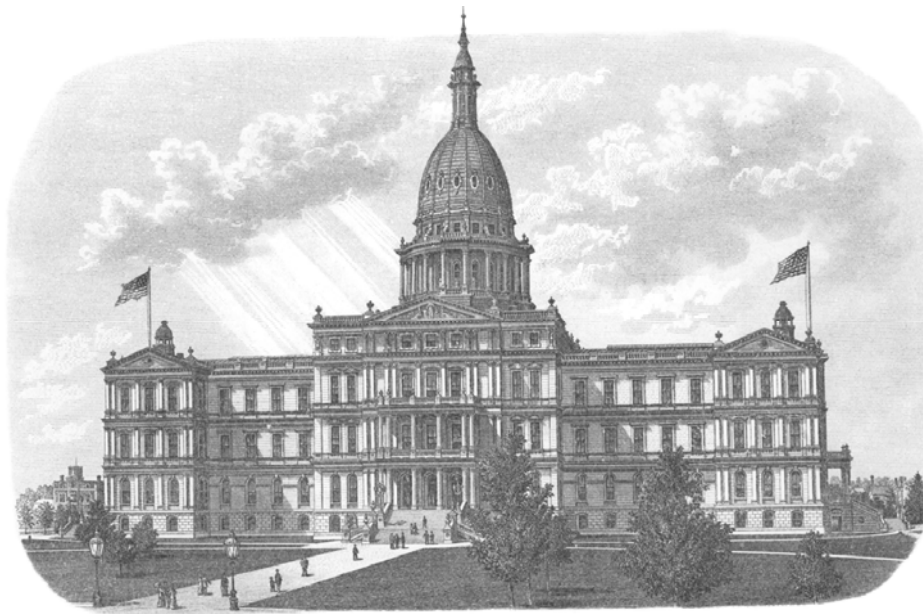


Michigan Register

Issue No. 11 – 2013 (Published July 1, 2013)



GRAPHIC IMAGES IN THE MICHIGAN REGISTER

COVER DRAWING

Michigan State Capitol:

This image, with flags flying to indicate that both chambers of the legislature are in session, may have originated as an etching based on a drawing or a photograph. The artist is unknown. The drawing predates the placement of the statue of Austin T. Blair on the capitol grounds in 1898.

(Michigan State Archives)

PAGE GRAPHICS

Capitol Dome:

The architectural rendering of the Michigan State Capitol's dome is the work of Elijah E. Myers, the building's renowned architect. Myers inked the rendering on linen in late 1871 or early 1872. Myers' fine draftsmanship, the hallmark of his work, is clearly evident.

Because of their size, few architectural renderings of the 19th century have survived. Michigan is fortunate that many of Myers' designs for the Capitol were found in the building's attic in the 1950's. As part of the state's 1987 sesquicentennial celebration, they were conserved and deposited in the Michigan State Archives.

(Michigan State Archives)

East Elevation of the Michigan State Capitol:

When Myers' drawings were discovered in the 1950's, this view of the Capitol – the one most familiar to Michigan citizens – was missing. During the building's recent restoration (1989-1992), this drawing was commissioned to recreate the architect's original rendering of the east (front) elevation.

(Michigan Capitol Committee)

Michigan Register

Published pursuant to § 24.208 of
The Michigan Compiled Laws



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(This issue, published July 1, 2013, contains
documents filed from June 1, 2013 to June 15, 2013)

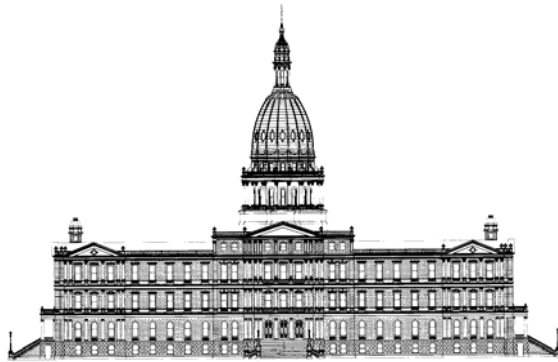
Compiled and Published by the
Office of Regulatory Reinvention

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Steve Arwood, Director, Office of Regulatory Reinvention; **Deidre O’Berry**, Administrative Rules Specialist for Operations and Publications.

Rick Snyder, Governor



Brian Calley, Lieutenant Governor

PREFACE

PUBLICATION AND CONTENTS OF THE MICHIGAN REGISTER

The Office of Regulatory Reform publishes the *Michigan Register*.

While several statutory provisions address the publication and contents of the *Michigan Register*, two are of particular importance.

24.208 Michigan register; publication; cumulative index; contents; public subscription; fee; synopsis of proposed rule or guideline; transmitting copies to office of regulatory reform.

Sec. 8.

(1) The office of regulatory reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

- (a) Executive orders and executive reorganization orders.
 - (b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.
 - (c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.
 - (d) Proposed administrative rules.
 - (e) Notices of public hearings on proposed administrative rules.
 - (f) Administrative rules filed with the secretary of state.
 - (g) Emergency rules filed with the secretary of state.
 - (h) Notice of proposed and adopted agency guidelines.
 - (i) Other official information considered necessary or appropriate by the office of regulatory reform.
 - (j) Attorney general opinions.
 - (k) All of the items listed in section 7(m) after final approval by the certificate of need commission under section 22215 of the public health code, 1978 PA 368, MCL 333.22215.
- (2) The office of regulatory reform shall publish a cumulative index for the Michigan register.
- (3) The Michigan register shall be available for public subscription at a fee reasonably calculated to cover publication and distribution costs.
- (4) If publication of an agency's proposed rule or guideline or an item described in subsection (1)(k) would be unreasonably expensive or lengthy, the office of regulatory reform may publish a brief synopsis of the proposed rule or guideline or item described in subsection (1)(k), including information on how to obtain a complete copy of the proposed rule or guideline or item described in subsection (1)(k) from the agency at no cost.
- (5) An agency shall electronically transmit a copy of the proposed rules and notice of public hearing to the office of regulatory reform for publication in the Michigan register.

4.1203 Michigan register fund; creation; administration; expenditures; disposition of money received from sale of Michigan register and amounts paid by state agencies; use of fund; price of Michigan register; availability of text on internet; copyright or other proprietary interest; fee prohibited; definition.

Sec. 203.

- (1) The Michigan register fund is created in the state treasury and shall be administered by the office of regulatory reform. The fund shall be expended only as provided in this section.
- (2) The money received from the sale of the Michigan register, along with those amounts paid by state agencies pursuant to section 57 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.257, shall be deposited with the state treasurer and credited to the Michigan register fund.
- (3) The Michigan register fund shall be used to pay the costs of preparing, printing, and distributing the Michigan register.
- (4) The department of management and budget shall sell copies of the Michigan register at a price determined by the office of regulatory reform not to exceed the cost of preparation, printing, and distribution.
- (5) Notwithstanding section 204, beginning January 1, 2001, the office of regulatory reform shall make the text of the Michigan register available to the public on the internet.
- (6) The information described in subsection (5) that is maintained by the office of regulatory reform shall be made available in the shortest feasible time after the information is available. The information described in subsection (5) that is not maintained by the office of regulatory reform shall be made available in the shortest feasible time after it is made available to the office of regulatory reform.
- (7) Subsection (5) does not alter or relinquish any copyright or other proprietary interest or entitlement of this state relating to any of the information made available under subsection (5).
- (8) The office of regulatory reform shall not charge a fee for providing the Michigan register on the internet as provided in subsection (5).
- (9) As used in this section, "Michigan register" means that term as defined in section 5 of the administrative procedures act of 1969, 1969 PA 306, MCL 24.205.

CITATION TO THE MICHIGAN REGISTER

The *Michigan Register* is cited by year and issue number. For example, 2001 MR 1 refers to the year of issue (2001) and the issue number (1).

CLOSING DATES AND PUBLICATION SCHEDULE

The deadlines for submitting documents to the Office of Regulatory Reinvention for publication in the *Michigan Register* are the first and fifteenth days of each calendar month, unless the submission day falls on a Saturday, Sunday, or legal holiday, in which event the deadline is extended to include the next day which is not a Saturday, Sunday, or legal holiday. Documents filed or received after 5:00 p.m. on the closing date of a filing period will appear in the succeeding issue of the *Michigan Register*.

The Office of Regulatory Reinvention is not responsible for the editing and proofreading of documents submitted for publication.

Documents submitted for publication should be delivered or mailed in an electronic format to the following address: MICHIGAN REGISTER, Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933

RELATIONSHIP TO THE MICHIGAN ADMINISTRATIVE CODE

The *Michigan Administrative Code* (1979 edition), which contains all permanent administrative rules in effect as of December 1979, was, during the period 1980-83, updated each calendar quarter with the publication of a paperback supplement. An annual supplement contained those permanent rules, which had appeared in the 4 quarterly supplements covering that year.

Quarterly supplements to the Code were discontinued in January 1984, and replaced by the monthly publication of permanent rules and emergency rules in the *Michigan Register*. Annual supplements have included the full text of those permanent rules that appear in the twelve monthly issues of the *Register* during a given calendar year. Emergency rules published in an issue of the *Register* are noted in the annual supplement to the Code.

SUBSCRIPTIONS AND DISTRIBUTION

The *Michigan Register*, a publication of the State of Michigan, is available for public subscription at a cost of \$400.00 per year. Submit subscription requests to: Office of Regulatory Reinvention, Romney Building – Fourth Floor, 111 S. Capitol Avenue, Lansing, MI 48933. Checks Payable: State of Michigan. Any questions should be directed to the Office of Regulatory Reinvention (517) 335-8658.

INTERNET ACCESS

The *Michigan Register* can be viewed free of charge on the Internet web site of the Office of Regulatory Reinvention: www.michigan.gov/orr.

Issue 2000-3 and all subsequent editions of the *Michigan Register* can be viewed on the Office of Regulatory Reinvention Internet web site. The electronic version of the *Register* can be navigated using the blue highlighted links found in the Contents section. Clicking on a highlighted title will take the reader to related text, clicking on a highlighted header above the text will return the reader to the Contents section.

Steve Arwood, Director
Office of Regulatory Reinvention

2013 PUBLICATION SCHEDULE

Issue No.	Closing Date for Filing or Submission Of Documents (5 p.m.)	Publication Date
1	January 15, 2013	February 1, 2013
2	February 1, 2013	February 15, 2013
3	February 15, 2013	March 1, 2013
4	March 1, 2013	March 15, 2013
5	March 15, 2013	April 1, 2013
6	April 1, 2013	April 15, 2013
7	April 15, 2013	May 1, 2013
8	May 1, 2013	May 15, 2013
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ADMINISTRATIVE RULES
FILED WITH THE SECRETARY OF STATE

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reinvention shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(f) Administrative rules filed with the secretary of state.”

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Filed with the Secretary of State on June 5, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.17421 and R 408.17461 of the Michigan Administrative Code are amended as follows:

PART 74. FIRE FIGHTING

R 408.17421. Fire apparatus generally.

Rule 7421. (1) Fire apparatus shall be able to stop within 30 feet after application of the brakes at 20 miles per hour.

(2) Fire apparatus shall be equipped with all of the following items:

(a) Windshield wipers.

(b) Head, tail, stop, and backup lights and a backup alarm.

(c) Horn and siren.

(d) Slip-resistant steps, tailboard, and work platforms.

(e) Seat belts for all seated employees. Seat belts shall be used while the apparatus is in motion.

(f) If an employee is allowed by the employer to ride the apparatus in an unseated position while the apparatus is in motion, then the employer shall provide for, and enforce the use of, a safety harness.

(3) New fire apparatus that is manufactured and purchased after the effective date of these rules shall meet the applicable requirements of the national fire protection association standard NFPA 1901: standard for "Automotive Fire Apparatus," 1999 edition, which is adopted by reference in R 408.17405.

(4) An operator of fire apparatus shall not move the equipment when his or her vision is obstructed, except on instructions of a designated signalperson.

(5) A minimum distance of 10 feet from energized equipment or high-voltage transmission lines, as distinguished from low voltage secondary lines and series streetlight construction, shall be maintained when using fire apparatus equipped with elevating platforms, aerial ladders, or snorkels. The training of fire service personnel shall include development of the ability to recognize and identify primary, high-voltage transmission lines and series street lighting construction.

R 408.17461. Inspection of fire apparatus and equipment; record of repair or replacement; lifeline guns and explosive devices; apparatus and equipment involved in accident; equipment testing.

Rule 7461. (1) All of the following items of the fire apparatus, if so equipped, shall be inspected for proper operation and for defects at least once a month:

- (a) Windshield washers and wipers.
- (b) Defroster and heater.
- (c) Head, tail, stop, backup, and flasher lights.
- (d) Backup alarm.
- (e) Horn and siren.
- (f) Slip-resistant steps and platforms.
- (g) Tires, rims, and suspension system.
- (h) Steering mechanism.
- (i) Braking system.
- (j) Operational controls.

Inspection records shall be maintained for the apparatus.

- (2) Records of repair or replacement shall be maintained for the life of the apparatus.
- (3) Lifeline guns and explosive devices shall be cleaned and made ready for operation after each use.
- (4) All portable equipment that is carried on a fire apparatus shall be inspected for operation and for defects at least monthly and within 24 hours after any use. Inspection records shall be maintained for portable equipment.
- (5) All equipment which is carried on fire apparatus or which is designated for training shall be tested at least annually in accordance with manufacturers' instructions and applicable standards.
- (6) Fire fighting apparatus and equipment that is found to be defective or in unserviceable condition shall be removed from service or repaired or replaced.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

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R 408.11203, R 408.11211, R 408.11213, R 408.11221, R 408.11222, R 408.11224, R 408.11241, R 408.11243, R 408.11262, R 408.11275, R 408.11293, and R 408.11294 of the Michigan Administrative Code are amended and R 408.11202 is added, as follows:

PART 12. WELDING AND CUTTING

R 408.11202 Adoption of standards by reference; access to other MIOSHA rules.

Rule 1202. (1) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA; telephone number: 1-800-854-7179; or via the internet at web-site: <http://global.ihs.com>; a cost as of the time of adoption of these rules as stated in this subrule.

(a) American National Standards Institute ANSI B31.1 "Industrial Gas and Air Piping Systems," 1967 edition. Cost: \$96.00.

(b) ANSI B57.1 "Compressed Gas Cylinder Valve Outlet and Inlet Connections," 1965 edition. Cost: \$29.00.

(c) **American Petroleum Institute** API 1104 "Standard for Welding Pipe Lines and Related Facilities," 1973 edition. Cost: \$125.00.

(d) API PSD 2201 "Welding or Hot Tapping on Equipment Containing Flammables," 1963 edition. Cost: \$125.00.

(e) American Society of Mechanical Engineers ASME A13.1 "Identification of Piping Systems," 1956 edition. Cost: \$60.00.

(2) The following standards are adopted by reference in these rules and are available from NFPA, 1 Batterymarch Park, Quincy, Massachusetts, USA, 02169-7471; telephone number: 1-617-770-3000; or via the internet at website: www.nfpa.org; at a cost as of the time of adoption of these rules as stated in this subrule.

(a) National Fire Protection Association (NFPA) Standard 50 "Bulk Oxygen Systems," 1971 edition. Cost: \$27.00.

(b) NFPA 80 “Standard for the Installation of Fire Doors and Windows,” 1974 edition. Cost: \$27.00.

(3) The following standard is adopted by reference in these rules, “The Fire Resistance Directory.” This directory is available from Underwriters' Laboratory, 2600 NW Lake Road, Camas, Washington, 98607-8542, USA; telephone number: 1-877-854-3577; or via the internet at website: www.ul.com/directories; at a cost as of the time of adoption of these rules of \$150.00.

(4) The standards adopted in subrules (1), (2), and (3) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(5) Copies of the standards adopted in subrules (1), (2), and (3) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(6) The following standard is referenced in these rules, General Industry Safety Standard Part 33 ‘Personal Protective Equipment,’ R 408.13301 to R 408.13398. Up to 5 copies of this standard may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

R 408.11203 Definitions; A to C.

Rule 1203. (1) "AC" means alternating current.

(2) "Arc welding" means a process for joining metals by heating with an electric arc with or without the use of pressure with or without a filler material.

(3) "Brazing" means a process of joining metals without melting them with a filler metal melting above 800 degrees F.

(4) "Confined space" means a small or restricted space without proper life supporting atmosphere or in which mobility is restricted.

(5) "Cutting" means a process in which the severing or removing of metal is effected by the use of an arc or flame.

(6) "Cylinders" means containers for storing compressed gases manufactured, labeled, and periodically tested in accordance with specifications of the department of transportation regulations.

R 408.11211 Employer and employee responsibilities.

Rule 1211. (1) An employer shall do all of the following:

(a) Give each employee training or a test before allowing him or her to use equipment for arc and gas welding and cutting.

(b) Provide face and eye protection and foot protection as prescribed in general industry safety standard Part 33 “Personal Protective Equipment,” as referenced in R 408.11202.

(c) Provide other personal protective clothing or equipment, such as gloves, aprons, hearing protection devices, respirators, lifelines, safety belts, and lanyards required to protect the employee from injury likely to be caused by the assigned task of welding and cutting. Except for long sleeve shirts required to protect the employee from ultraviolet rays to the arms and ankle length trousers, the personal protective clothing and equipment shall be provided without expense to the employee.

(d) Provide to an employee, at no expense to the employee, protective devices such as, but not limited to, curtains, safety glasses, or face shields to reduce the risk of flash burn, sparks, and foreign bodies to all employees in the area.

(e) Provide ventilation where necessary to protect an employee against toxic materials as prescribed by the Michigan Occupational Safety and Health Administration (MIOHSA) standards.

(2) An employee shall comply with all of the following:

- (a) Use welding and cutting equipment as trained and authorized.
- (b) Use the protective equipment required by the employer or the hazard.
- (c) Not tamper with safety devices.

(3) An employee in charge of the operation of oxygen or fuel-gas supply equipment, of oxygen or fuel-gas systems, including generators, shall be instructed and judged competent by the employer for this work before being left in charge. Rules and instructions covering the operation and maintenance of oxygen or fuel-gas supply equipment, including generators, and oxygen or fuel-gas distribution piping systems shall be readily available.

R 408.11213 Working in confined spaces.

Rule 1213. (1) When working in a confined space, the torch valves and the gas supply valve and oxygen valve outside the confined space shall be shut off during lunch, overnight, or for any other prolonged period. Where practicable, the torch and hose shall be removed from the confined space.

(2) When stick electrodes are used in a confined space, and welding is suspended during lunch, overnight, or for any other prolonged period, the electrode shall be removed from the holder and the machine shut off.

(3) The air in a confined space shall be tested with an approved device and purged, if necessary, before any entry. Ventilation shall be provided in the confined space when an employee is present.

(4) A cylinder or welding power source used in a confined space shall be placed and secured on the outside of the space where work is being performed.

(5) An employee who is trained in rescue procedures, and with such equipment as is necessary to effect a rescue, if needed, shall be stationed outside the confined space during welding or cutting operations. An employer shall ensure that an effective means of communication is established between employees in the confined space and the attendant. When safety belts and lifelines are used, they shall be provided and used as prescribed in general industry safety standard Part 33 "Personal Protection Equipment," as referenced in R 408.11202, and attached to the welder's body so that his or her body cannot be jammed in a small exit opening.

(6) After welding operations are completed in a confined space, a sign or other warning shall be used to mark the hot metal.

R 408.11221 Cylinder marking.

Rule 1221. (1) Compressed gas cylinders shall be legibly marked, for the purpose of identifying the gas content, with either the chemical or trade name of the gas. Such marking shall be by means of stenciling, stamping, or labeling, and shall not be readily removable. Whenever practical, the marking shall be located on the shoulder of the cylinder.

(2) Unlabeled cylinders shall not be used.

(3) Empty cylinders shall be so marked at time of depletion.

R 408.11222 Storage.

Rule 1222. (1) An oxygen cylinder shall be stored not less than 20 feet from fuel gas cylinders or a highly combustible material, such as, but not limited to, oil, grease, excelsior, flammable gas, or a source of ignition, or shall be separated from the material by a noncombustible wall, not less than 5 feet (1.6 meters) high, having a fire-resistance rating of 1/2 hour. An oxygen cylinder shall not be stored in an acetylene generator compartment.

The underwriters' laboratory fire resistance directory may be used as a guide to determine fire resistance, as adopted in R 408.11202.

(2) A cylinder shall be stored away from heat in excess of 125 degrees Fahrenheit.

(3) A cylinder, including an empty cylinder, which is in storage, being shipped, or has the regulator removed shall have the cap secured in place, if a cap is provided in the design, or shall be otherwise protected.

(4) Storage shall be set up to ensure first-in, first-out usage.

(5) A cylinder storage area shall be posted with the names of the individual gases stocked, and a warning shall be posted against tampering by an unauthorized employee. An assigned storage area shall be located where a cylinder will not be knocked over or struck by a passing or falling object.

(6) Where different gases are stored, they shall be grouped by types. Groupings shall separate the flammable gases from the oxidizing gases as in subrule (1) of this rule.

(7) A storage area for cylinders shall be well ventilated. A cylinder shall not be stored in basements or pits, except where ventilation as specified by the Michigan Occupational Safety and Health Administration (MIOSHA) standards is furnished to keep the area purged of any accumulation of gases.

(8) Storage of fuel gas in a building in 1 area within 100 feet (30 meters) of another fuel gas storage area and not protected by an automatic sprinkler system shall be limited to a total gas capacity of 2,000 cubic feet (56 cubic meters approximately) or 11.8 cubic feet (.33 cubic meters) of liquefied gas, which is 735 pounds (333 kilograms) water capacity. Storage in excess of this amount shall be in a separate room or compartment with an exterior wall and on the top floor of the building, outside, or in a special building. All walls, floors, and ceilings shall be constructed of noncombustible material having a fire-resistance rating of 1 hour. The walls shall be continuous from the floor to the ceiling and shall be securely anchored. The separate room, compartment, or special building shall have no open flame for heat or light and shall be well ventilated. Openings from the separate storage room to other parts of the building shall be protected by a self-closing fire door for a class B opening and shall have a fire-resistance rating of not less than 1 hour. Windows in partitions shall be wired glass and approved metal frames with a fixed sash. Installation shall be in accordance with NFPA 80 "Standard for the Installation of Fire Doors and Windows," 1974 edition, as adopted in R 408.11202.

(9) Where a liquid or gaseous oxygen system is used to supply gaseous oxygen for welding and cutting and the system has a storage capacity of more than 20,000 cubic feet (560 cubic meters), measured at 14.7 psia (101.34 kPa) and 70 degrees Fahrenheit (21.1 degrees Celsius), including unconnected reserves at the site, the system shall be as prescribed in NFPA 50- "Bulk Oxygen Systems," 1971 edition, as adopted in R 408.11202.

(10) A cylinder used for methylacetylene-propadiene, stabilized, shall be constructed of materials suitable for this fuel gas in the gaseous or liquid phases.

R 408.11224 General rules for cylinders--II.

Rule 1224. (1) Gases shall not be mixed within a cylinder except by the supplier.

(2) A cylinder shall not be placed where it will become a part of the electrical circuit by accidental grounding or where it may be burned by electric welding arc. A cylinder shall not be placed so that hot slag or flame will reach it or it shall be protected by a fire resistant shield. An electrode shall not be tapped against a cylinder to strike an arc.

(3) A regulator, gauge, or hose shall not be interchangeable between fuel gas, oxidizing gas or inert gas. Connections for compressed gas cylinders shall be as prescribed in ANSI B57.1- "Compressed Gas Cylinder Valve Outlet and Inlet Connections," 1965 edition, as adopted in R 408.11202.

(4) A cylinder valve shall be opened slightly for an instant and then closed before connecting to a regulator or manifold to clear the valve of dust and dirt. This shall not be done near a source of ignition. Pressure to a regulator shall be introduced by slowly opening the cylinder valve. An acetylene cylinder valve shall not be opened more than 1 1/2 turns of the spindle.

(5) Acetylene shall not be utilized or piped, except in cylinder manifolds, at a pressure in excess of 15 psig.

(6) Only the owner of the cylinder, if the owner is qualified, or a person trained, qualified, and authorized by the owner, shall refill a cylinder.

MANIFOLDING - SERVICE PIPING

R 408.11241 Piping material.

Rule 1241. (1) Piping for acetylene shall be limited to steel and ductile iron.

(2) Piping for other gases shall be compatible with the gas.

(3) Oxygen at pressures of more than 700 psig shall be run in stainless steel or copper alloy piping.

(4) Gray or white cast iron fittings shall not be used.

(5) Pipe and fittings shall be as prescribed in section 2 of the ANSI B31.1 "Industrial Gas and Air Piping Systems," 1967 edition, as adopted in R 408.11202, except for the following:

(a) Pipe shall be not less than schedule 40 and fittings not less than standard weight in sizes up to and including 6-inch nominal.

(b) Copper tubing shall be type K or L.

(6) A hose connection and hose complying with R 408.11233 may be used to connect the outlet of a manifold pressure regulator to piping if the working pressure of the piping is 250 p.s.i.g. or less, and the length of the hose does not exceed 5 feet.

R 408.11243 Installation and identification of piping.

Rule 1243. (1) Above ground piping, station outlet, and section valves shall be identified as to contents by color or name, or both, as prescribed in ASME A13.1 "Identification of Piping Systems," 1956 edition, as adopted in R 408.11202.

(2) A cylinder manifold shall be installed under the supervision of an individual experienced in the proper practices with reference to its installation and use.

R 408.11262 Welding drums, barrels, tanks, or other containers.

Rule 1262. (1) Welding or cutting shall not be performed on drums, barrels, tanks, or other containers until they have been cleaned of all flammable combustible or toxic materials or fumes.

(2) All pipe lines or other connections to drums, barrels, or tanks shall be disconnected or blanked.

(3) Hollow spaces or cavities shall be vented and either filled with water or purged with an inert gas before preheating, cutting, or welding.

(4) An opening shall be maintained during welding and cutting to vent gases or vapors.

(5) The welded construction of a transmission pipeline shall be conducted in accordance with API 1104 "Standard for Welding Pipe Lines and Related Facilities," 1973 edition, as adopted in R 408.11202.

pipeline carrying a flammable substance shall be performed in accordance with API PSD 2201 "Welding or Hot Tapping on Equipment Containing Flammables," 1963 edition, as adopted in R 408.11202.

R 408.11275 Operation.

Rule 1275. (1) Engine fuel, cooling water, or shielding gas shall not be allowed to leak.

(2) A welding machine shall be disconnected when being moved and turned off when not in use.

(3) Electrodes shall be retracted or removed when not in use. Electrode holders not in use shall be placed so that they cannot make electrical contact with an employee, fuel or gas tanks, or conducting objects.

(4) A welder shall not let live electrodes or holders touch his or her bare skin or damp clothing. When arc welding is performed in wet conditions or under a condition of high humidity, the welder shall be protected against electric shock.

(5) Electrode holders shall not be cooled by immersion in water.

(6) Welding shall not be permitted where fumes of chlorinated hydrocarbons are present unless specific ventilation and personal protective equipment is provided as specified by the Michigan Occupational Safety and Health Administration (MIOSHA) standards.

(7) Before starting an arc welding operation, the welder shall do all of the following:

(a) Make sure the work lead is secured to the work.

(b) Make sure the magnetic work clamps are free of spatter on the contact surfaces.

(c) Spread out the welding cable, if necessary, to prevent overheating and damage.

(d) Make sure grounding connections are secured to a good ground.

(e) Make sure the required switching equipment for shutting down the machine has been provided.

(8) A welder shall not curl or loop welding cable around his or her body.

R 408.11293 Gas holders.

Rule 1293. (1) A gas holder shall be constructed on the gasometer principle, the bell being suitably guided. The gas bell shall move without a tendency to bind and shall have a clearance of not less than 2 inches (5.08 cm) from the shell.

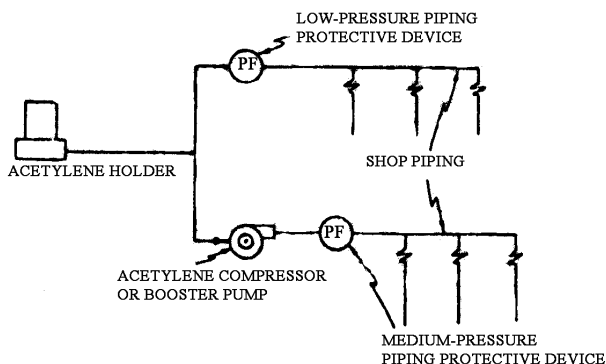
(2) The compressor or booster cutoff of a gas holder shall be located 12 inches above the landing point of the gas bell to prevent collapse of the bell.

(3) A gas holder shall be located in a heated and ventilated room as prescribed in R 408.11292(2) and the Michigan Occupational Safety and Health Administration (MIOSHA) standards. When heat is not supplied, the gas holder seals shall be protected from freezing.

(4) A means shall be provided to stop the generator feeding mechanism before the gas holder reaches the upper limit of its travel. A gas holder connected to only 1 generator shall have a capacity of not less than 1/3 of the hourly rating of the generator.

(5) Protective devices shall be installed in each supply line when acetylene is used from a gas holder without an increase in pressure at some points but with increased pressure by a compressor or booster pump at other points. A low pressure protective device shall be installed between the gas holder and the shop piping, and a medium pressure protective device shall be installed between the compressor or booster pump and the shop piping (see figure 2). Approved protective equipment is used to prevent all of the following:

Figure 2



(a) Backflow of oxygen into a fuel gas supply system.

- (b) Passage of a flashback into a fuel gas supply system.
- (c) Excessive back pressure of oxygen in the fuel gas supply system. The 3 functions may be combined in 1 device or may be provided by separate devices.
- (6) A compressor or booster pump shall be located in a ventilated area away from sources of ignition.
- (7) A compressor or booster pump shall be provided with a pressure relief valve which will relieve at not more than 15 psig (103.5 kPa gage) as prescribed in R 408.11292(5). The discharge outlets of a compressor or booster pump shall be provided protective equipment as prescribed in R 408.11252.

R 408.11294 Stationary acetylene generators; outside houses and inside rooms.

Rule 1294. (1) An opening in an outside acetylene generator house shall not be located within 5 feet (1.6 meters) of an opening in another building. The walls, floor, and roof shall be of noncombustible construction with a 1-hour, fire-resistance rating.

(2) Where part of a generator house is used for storage or manifolding of oxygen cylinders, the space to be occupied shall be separated from the generator or carbide storage section by construction partition walls continuous from floor to ceiling, gastight, constructed as prescribed in subrule (1) of this rule, securely anchored and with not less than 1 exterior wall. Separation walls shall be without openings. Exit doors shall be located so as to be accessible in an emergency.

(3) Explosion venting for generator houses and rooms shall be provided in the exterior wall or roof. The venting area shall be equal to not less than 1 square foot (.092 square meters) per 50 cubic feet (1.42 cubic meters) of room volume and may consist of 1 or any combination of the following:

- (a) Walls of light, noncombustible material, preferably single-thickness, single-strength glass.
- (b) Lightly fastened hatch covers.
- (c) Lightly fastened swinging doors on exterior walls which swing outward.
- (d) Lightly fastened walls or roof designed to relieve at a pressure of not more than 25 pounds (11.35 kilograms) per square foot.

(4) The installation of an acetylene generator within a building shall be restricted to a 1-story building or roof or top floor of a multistory building. A generator installed inside a building shall be enclosed in a separate room and constructed as prescribed in subrule (2) of this rule.

(5) A generator room or house shall be equipped with vents located at ceiling and floor levels.

(6) Illumination during daylight hours shall be by natural light. Where artificial lighting is necessary, it shall be from explosion-proof fixtures and controls. Wiring shall run through rigid conduit with threaded connectors. Telephone and other electrically powered apparatus either shall be designed for an explosive atmosphere or located outside the generator room or house.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Secretary of State on June 5, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030)

R 325.47801 is rescinded, as follows:

PART 478 ILLUMINATION

R 325.47801 Rescinded.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

CONSTRUCTION SAFETY STANDARDS

Filed with the Secretary of State on June 5, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 19 and 21 of 1974 PA 154, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030)

R 408.43001, R 408.43004, and R 408.43006 of the Michigan Administrative Code are amended, and R 408.43003 is rescinded, as follows:

PART 30. TELECOMMUNICATIONS

R 408.43001 Adoption of federal O.S.H.A. standard.

Rule 3001. (1) The federal occupational safety and health administration's regulations on telecommunications that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.268, are adopted by reference in these rules as of the effective date of these rules, except as noted in subrule (2) of this rule.

(2) Paragraphs (a)(2)(i) and (a)(3) of 29 C.F.R. §1910.268 are excepted.

(3) As of the effective date of these rules, the words "for purposes of 29 C.F.R. 1910.34," as used in 29 C.F.R. §1910.268(b)(1)(iii), are excepted.

(4) As of the effective date of these rules, §1910.110, referenced in 29 C.F.R. §1910.268(b)(4), means General Industry Safety Standard Part 56 "Storage and Handling of Liquefied Petroleum Gases," as referenced in R 408.43006.

(5) As of the effective date of these rules, the words "Assistant Secretary for Occupational Safety and Health," as used in 29 C.F.R. §1910.268(c), means director of the department of licensing and regulatory affairs.

(6) As of the effective date of these rules, §1910.137, referenced in 29 C.F.R. §1910.268(f)(1), means General Industry Safety Standard Part 33 "Personal Protective Equipment," as referenced in R 408.43006.

(7) As of the effective date of these rules, the words "Subpart D of this part", as used in 29 C.F.R. §1910.268(h)(1), means Construction Safety Standard Part 11 "Fixed and Portable Ladders," as referenced in R 408.43006.

(8) As of the effective date of these rules, §1910.25(c)(5), referenced in 29 C.F.R. §1910.268(h)(5), means R 408.43004.

(9) As of the effective date of these rules, §§1910.133(a)(2) to (a)(6), referenced in 29 C.F.R. §1910.268(i)(2), means Construction Safety Standard Part 6 “Personal Protective Equipment,” as referenced in R 408.43006.

(10) As of the effective date of these rules, Subpart Q, referenced in 29 C.F.R. §1910.268(i)(9), means Construction Safety Standard Part 7 “Welding and Cutting,” as referenced in R 408.43006.

(11) As of the effective date of these rules, the words “Subpart W of Part 1926 of this title”, as used in 29 C.F.R. §1910.268(j)(2)(i), means Construction Safety Standard Part 13 “Mobile Equipment,” as referenced in R 408.43006.

(12) As of the effective date of these rules, American National Standards Institute Standard ANSI J6.6, 1971 edition, referenced in 29 C.F.R. §1910.268(n)(11)(iv), means American Society for Testing and Materials Standard ASTM D120, “Standard Specification for Rubber Insulating Gloves,” 1977 edition, is adopted by reference in these rules.

(13) As of the effective date of these rules, §1910.97, referenced in 29 C.F.R. §1910.268(p)(2), means Occupational Health Standard Part 382 “Nonionizing Radiation,” is adopted by reference in these rules.

(14) As of the effective date of these rules, American Society for Testing and Materials Standard ASTM B117, “Standard Practice for Operating Salt Spray (Fog) Apparatus,” 1964 edition, referenced in 29 C.F.R. §1910.268(g)(1)(i)(A), is adopted by reference in these rules.

(15) As of the effective date of these rules, American National Standards Institute Standard ANSI Z89.2 “Industrial Protective Helmets for Electrical Workers,” 1971 edition, referenced in 29 C.F.R. §1910.268(i)(1), is adopted by reference in these rules.

(16) As of the effective date of these rules, American National Standards Institute Standard ANSI B30.6 “Safety Code for Derricks,” 1969 edition, referenced in 29 C.F.R. §1910.268(j)(4)(E) and (H), means American Society of Mechanical Engineers Standard ASME B30.6 “Safety Code for Derricks,” 1969 edition, is adopted by reference in in these rules.

(17) As of the effective date of these rules, American National Standards Institute Standard ANSI A92.2, “Vehicle-Mounted Elevating and Rotating Devices,” 1969 edition, referenced in 29 C.F.R. §1910.268(s)(1)(v), is adopted by reference in these rules.

(18) The adopted federal regulations shall have the same force and effect as a rule promulgated under 1974 PA 154, MCL 408.1001 to 408.1094.

R 408.43003 Rescinded.

R 408.43004 Trolley and side-rolling ladders.

Rule 3004. Trolley ladders and side-rolling ladders longer than 20 feet shall not be supplied.

R 408.43006 Availability of documents.

Rule 3006. (1) The Federal Occupational Safety and Health Administration (OSHA) regulation 29 C.F.R. §1910.268 “Telecommunications,” is adopted by reference in these rules. Copies of this regulation are available from the United States Department of Labor, Occupational Safety and Health Administration, via the internet at website www.osha.gov, at no charge as of the time of adoption of these rules.

(2) The following standards are adopted by reference in these rules and are available from IHS Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at web-site: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule.

(a) American National Standards Institute Standard ANSI A92.2, “Vehicle-Mounted Elevating and Rotating Devices,” 1969 edition. Cost: \$20.00.

(b) ANSI Z89.2 “Industrial Protective Helmets for Electrical Workers,” 1971 edition. Cost: \$20.00.

(b) American Society of Mechanical Engineers Standard ASME B30.6 “Safety Code for Derricks,” 1969 edition. Cost: \$60.00.

(d) American Society for Testing and Materials Standard ASTM B117, “Standard Practice for Operating Salt Spray (Fog) Apparatus,” 1964 edition. Cost: \$49.00.

(e) ASTM D120, “Standard Specification for Rubber Insulating Gloves,” 1977 edition. Cost: \$64.00.

(3) The standards adopted in subrules (1) and (2) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143.

(4) Copies of the standards adopted in subrules (1) and (2) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, at the cost charged in this rule, plus \$20.00 for shipping and handling.

(5) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of licensing and regulatory affairs, MIOSHA standards section, 7150 Harris Drive, P.O. Box 30643, Lansing, MI, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, at the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 6 “Personal Protective Equipment,” R 408.40601 to R 408.40641.

(b) Construction Safety Standard Part 7 “Welding and Cutting,” R 408.40701 to R 408.40762.

(c) Construction Safety Standard Part 11 “Fixed and Portable Ladders,” R 408.41101 to R 408.41140.

(d) Construction Safety Standard Part 13 “Mobile Equipment,” R 408.41301.

(e) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13398.

(f) General Industry Safety Standard Part 56 “Storage and Handling of Liquefied Petroleum Gases,” R 408.15601.

(g) Occupational Health Standard Part 382 “Nonionizing Radiation,” R 325.60701 to R 325.60704.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

Filed with the Great Seal on June 5, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030)

R 325.51311 and R 325.51312 of the Michigan Administrative Code are amended as follows:

PART 305. ASBESTOS STANDARDS FOR GENERAL INDUSTRY

R 325.51311 Scope and application.

Rule 1. (1) These rules apply to all occupational exposures to asbestos in all industries covered by the Michigan Occupational Safety and Health Act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094, except as provided in subrule (2) of this rule.

(2) These rules do not apply to construction work as defined by the Michigan Occupational Safety and Health Act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094. Exposure to asbestos in construction work is covered by Occupational Health Standard Part 602 "Asbestos Standards for Construction," R 325.51301 and R 325.51302.

R 325.51312 Adoption by reference of federal standard.

Rule 2. (1) The federal occupational safety and health administration's regulations on occupational exposure to asbestos that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.1001, "Asbestos for General Industry," as amended March 26, 2012, are adopted in these rules.

effect as a rule promulgated under the Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094

(3) The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website www.osha.gov.

ADMINISTRATIVE RULES

DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS

FILED WITH THE SECRETARY OF STATE ON JUNE 5, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024; and Executive Reorganization Orders Nos. 1996-1, 1996-2, 2003-1, 2008-4, and 2011-4, MCL 330.3101, 445.2001, 445.2011, 445.2025 and 445.2030)

R 325.51301 and R 325.51302 of the Michigan Administrative Code are amended as follows:

PART 602. ASBESTOS STANDARDS FOR CONSTRUCTION

R 325.51301 Scope and application.

Rule 1. (1) These rules apply to all construction work as defined by the Michigan Occupational Safety and Health Act (MIOSHA), 1974 PA 154, MCL 408.1001 to 408.1094. Construction work includes, but is not limited to, all of the following:

- (a) Demolition or salvage of structures where asbestos is present.
- (b) Removal or encapsulation of materials containing asbestos.
- (c) Construction, alteration, repair, maintenance, or renovation of structures, substrates, or portions thereof that contain asbestos.
- (d) Installation of products containing asbestos.
- (e) Asbestos spill or emergency cleanup.
- (f) The transportation, disposal, storage, or containment of, and housekeeping activities involving, asbestos or products containing asbestos on the site or location at which construction activities are performed.

(2) Coverage under these rules shall be based on the nature of the work operation involving asbestos exposure.

R 325.51302 Adoption by reference of federal standard.

Rule 2. (1) The federal occupational safety and health administration's regulations on occupational exposure to asbestos that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1926.1101, "Asbestos Standards for Construction," as amended March 26, 2012, are adopted in these rules.

(2) The adopted federal regulations have the same force and effect as a rule promulgated under the Michigan Occupational Safety and Health Act (MIOSHA) 1974 PA 154, MCL 408.1001 to 408.1094.

(3) The adopted federal regulations are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan 48909-8143, or via the internet at website.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

LOCAL SNOWMOBILE AND OFF ROAD VEHICLE CONTROLS

Filed with the Secretary of State on June 11, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred upon the director of the department of natural resources by section 82125 and 81132 of 1994 PA 451, MCL 324.82125 and 324.81132)

R 281.663.1 of the Michigan Administrative Code is rescinded and R 257.1604 is added.

R 257.1601 Lake Cadillac; Lake Mitchell; speed restriction.

Rule 1. On the frozen surfaces of Lake Cadillac, sections 4, 5, and 6, T21N, R9W, and on the frozen surfaces of that part of Lake Mitchell within the boundary of the City of Cadillac, section 6, T21N, R9W, City of Cadillac, Wexford county, a person shall not operate a snowmobile at a speed greater than that necessary to maintain forward movement of the snowmobile when the snowmobile is being operated within 100 feet of any open water.

R 257.1602 South Manistique Lake; snowmobile hours and speed restrictions.

Rule 2. On the frozen surfaces of South Manistique Lake, section 18, T44N, R11W; and section 13, T44N R12W; Portage Township, Mackinac County, a person shall not operate a snowmobile at a speed greater than that necessary to maintain forward movement of the snowmobile when the snowmobile is being operated within 100 feet of any open water during the period of 1/2-hour after sunset to 1/2-hour before sunrise.

R 257.1603 Kawkawlin River; snowmobile and off road vehicle speed restriction.

Rule 3. On the frozen surfaces of the Kawkawlin River, sections 5 and 6, T14N, R5E; and sections 32 and 33, T15N, R5E; Bangor Township, Bay County, a person shall not operate a snowmobile or an off road vehicle at a speed greater than 45 miles per hour.

R 257.1604 Bass lake; snowmobiles prohibited.

Rule 4. On the frozen surface of Bass lake, section 16, T2N, R8E, Commerce township, Oakland county, it is unlawful to operate a snowmobile.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

PLACEMENT OF ORV DECAL

Filed with the Secretary of State on June 11, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of natural resources by part 811 of 1994 PA 451, as amended, MCL 324.81101 et seq.)

R 257.1691 of the Michigan Administrative Code is amended.

R 257.1691 Placement of ORV license.

Rule 1. The license for an off-road recreation vehicle shall be permanently attached to the vehicle and shall be visibly displayed in the following manner:

- (a) For a 2-wheel vehicle, it shall be centered on the exposed surface of the rear fender.
- (b) For a 3- or 4-wheel multitrack or multiwheeled vehicle, it shall be attached and visible on a flat metal surface, bumper, or plate permanently attached to the rear of the vehicle.
- (c) For an amphibious machine, or for a ground effect air-cushioned vehicle, it shall be centered on the rear thereof.

ADMINISTRATIVE RULES

DEPARTMENT OF NATURAL RESOURCES

LAW ENFORCEMENT DIVISION

NUMBERING OF VESSELS AND MOTORBOATS

Filed with the Secretary of State on June 11, 2013

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the department of natural resources by Part 801 of 1994 PA 451, as amended, MCL 324.80101 et seq.)

R 281.1201, R 281.1204, R 281.1206, and R 281.1208 of the Michigan Administrative Code are amended as follows:

R 281.1201 Definitions.

Rule 1. "Act" means Part 801 of the natural resources and environmental protection act, 1994 PA 451, as amended, MCL 324.80101 et seq. Terms defined in the act have the same meanings when used in these rules.

R 281.1204 Numbers; display; size; color.

Rule 4. (1) Each number required by the act shall meet all of the following requirements:

- (a) Be painted on or permanently attached to each side of the forward half of the vessel or motorboat except as allowed by subrule (2) or required by subrule (3).
- (b) Be in plain vertical block characters of not less than 3 inches in height.
- (c) Contrast with the color of the background and be distinctly visible and legible.
- (d) Have spaces or hyphens that are equal to the width of the letter "M" between the letter and number groupings (example: MC 0000 AA or MC--0000--AA).
- (e) Read from left to right.
- (f) Be as high above the water lines as practical.

(2) When a vessel or motorboat is used by a manufacturer or dealer for testing or demonstrating, the number may be painted on or attached to removable plates that are temporarily but firmly attached to each side of the forward half of the vessel or motorboat.

(3) On vessels or motorboats so configured that a number on the hull or superstructure would not be easily visible, the number must be painted on or attached to a backing plate that is attached to the forward half of the vessel or motorboat so that the number is visible from each side of the vessel or motorboat.

R 281.1206 Documented vessels; decals; display.

Rule 6. (1) Each decal required by the act to indicate payment of fees required of vessels documented by the United States coast guard or a federal agency successor thereto as provided by the act shall be:

- (a) Identical to the validation decal prescribed in R 281.1208.
- (b) Be permanently affixed to each side of the forward half of the vessel.
- (c) Be as high above the water line as practical.

(2) When a decal is lost, destroyed, or defaced, the owner of the documented vessel shall apply to the secretary of state for a duplicate decal.

R 281.1208 Validation decals; display; size; color.

Rule 8. (1) The validation decal required by the act shall meet the following requirements:

- (a) Be permanently attached to each side of the forward half of the motorboat or vessel.
 - (b) Be approximately 3 inches square.
 - (c) Indicate the year in which the decal expires by the colors, blue, international orange, green, and red, in rotation beginning with blue for decals that expire in 1973 (example: decal expires December 31, 1973--blue, expires December 31, 1974--international orange, expires December 31, 1975--green, expires December 31, 1976--red, expires December 31, 1977--blue, etc.).
 - (d) Be displayed on each side of the motorboat or vessel 3 inches beyond the last letter of the assigned number and on the same strake or level as the number.
- (2) When a validation decal is lost, destroyed, or defaced, the owner of the motorboat or vessel shall apply to the secretary of state for a duplicate.

ADMINISTRATIVE RULES

DEPARTMENT OF INSURANCE AND FINANCIAL SERVICES

CREDIT UNIONS

Filed with the Secretary of State on June 11, 2013

(By authority conferred on the director of the Department of Insurance and Financial Services by section 206 of 2003 PA 215, MCL 490.206; 1969 PA 306, MCL 24.201 to 24.328; E.R.O. No. 2003-1, MCL 445.2011; E.R.O. No. 2008-1, MCL 445.2005; E.R.O. No. 2008-3, MCL 445.2025; E.R.O. No. 2011-4, MCL 445.2030; and E.R.O. No. 2013-1, MCL 550.991)

R 490.113, R 490.114, R 490.117, and R 490.118, of the Michigan Administrative Code is rescinded from the Code as follows:

R 490.113 Rescinded.

R 490.114 Rescinded.

R 490.117 Rescinded.

R 490.118 Rescinded.

**PROPOSED ADMINISTRATIVE RULES,
NOTICES OF PUBLIC HEARINGS**

MCL 24.242(3) states in part:

“... the agency shall submit a copy of the notice of public hearing to the Office of Regulatory Reform for publication in the Michigan register. An agency's notice shall be published in the Michigan register before the public hearing and the agency shall file a copy of the notice of public hearing with the Office of Regulatory Reform.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

** * **

(d) Proposed administrative rules.

(e) Notices of public hearings on proposed administrative rules.”

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF COMMUNITY HEALTH

CRIME VICTIM'S SERVICES COMMISSION

GENERAL RULES

Proposed Draft June 14, 2013

Filed with the Secretary of state on

These rules become effective immediately upon filing with the Secretary of State unless adopted under sections 33, 44, or 45a(6) of 1969 PA 306, Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the crime victims compensation board by section 3 of **1976 PA 223** ~~of 1976, MCL 18.353~~ of the Michigan Compiled Laws)

R 18.351, R 18.354, R 18.355, R 18.358, and R 18.361 of the Michigan Administrative Code are amended as follows:

R 18.351 Definitions.

Rule 1. (1) As used in these rules:

- (a) "Accomplice" means any person who knowingly aids or assists another person in the commission of a crime, either before, during, or after the crime.
- (b) "Act" means **1976 PA 223**, ~~Act No. 223 of the Public Acts of 1976, MCL 18.351 to 18.368 et seq. of the Michigan Compiled Laws.~~
- (c) "Civil infraction" has the meaning prescribed by section 6a **of 1949 PA 300, MCL 257.6** ~~of the Public Acts of 1949, as amended, being S257.6a of the Michigan Compiled Laws.~~
- (d) "Closed session" means a meeting or part of a meeting of the ~~board~~ **commission** which is closed to the public in order to protect certain rights of confidentiality.
- (e) "Crime" means an act or omission forbidden by law which is not designated as a civil infraction and which is punishable, upon conviction, by imprisonment, a fine which is not a civil fine, or other penal discipline.
- (f) "Criminally responsible" means legally accountable or legally answerable for a crime.
- (g) "Dependent" means a person who receives at least 1/2 of his or her support from a deceased victim or claimant and includes a child of the victim born after his or her death.
- (h) "Household" means persons who dwell together as a family under 1 roof and who are related by blood, marriage, or judicial decree.
- (i) "Intimate personal privacy" means matters dealing with the mental or physical health of a person or the details of a crime involving sexual assault in any degree.
- (j) "Legally incapacitated person" means a person, other than a minor, for whom a guardian has been appointed by a court.
- (k) "Loss of support" means the cessation of a victim's earnings that were actually paid to or for a dependent prior to the victim's death and not reimbursed from insurance or public funds after the victim's death.

(l) "Meeting" means the convening of the ~~board~~ **commission** at which 2 or more members are present for the purpose of deliberating toward or rendering a decision on a public policy.

(m) "Minor" means a person who is less than 18 years of age.

(n) "Other services necessary" means recognized medical treatment, convalescent aids, supplies, and other equipment needed by the victim because of physical incapacity sustained as a direct result of the crime.

(o) "Peace officer" means an employee of this state, or any political subdivision thereof, who is employed as a police officer, sheriff, firefighter, conservation officer, or similar officer exercising powers of a police officer.

(p) "Resident" means a person who is living in this state when the crime occurs. Resident does not include a person who resides in another state or foreign country and who is temporarily in this state for business, recreation, or personal matters.

(q) "Unreimbursed and unreimbursable expenses" means expenses for which the claimant has no means of payment other than the claimant's assets or through an award of the ~~board~~ **commission**.

(r) "Writing" means any of the following:

(i) Handwriting.

(ii) Typewriting.

(iii) Printing.

(iv) Photostating.

(v) Photographing.

(vi) Photocopying.

(vii) Any other means of recording, including the recording of letters, words, pictures, sounds, symbols, or any combination thereof.

(viii) Maps.

(ix) Papers.

(x) Magnetic or punched cards.

(xi) Discs.

(xii) Drums.

(xiii) Any other means of recording or retaining meaningful contents.

(2) Terms defined in the act have the same meanings when used in these rules.

R 18.354 Claim filing time.

Rule 4. A claim is subject to the time limits for filing which are set forth in section 5 of the act; however, if a claim is filed **after the time limits in section 5 of the act, the commission may presume that good cause to file a claim late exists** ~~within 6 months to one year after the occurrence of the crime and unless contrary evidence exists, the board or its member may presume that good cause for delay, within the meaning of section 5, exists.~~

R 18.355 Claimant cooperation with law enforcement agency and board required; claimant to bear burden of proof of authenticity and eligibility of claim.

Rule 5. (1) To receive an award, a claimant shall cooperate with the law enforcement agency investigating the crime giving rise to the claim and with the investigators, agents, and representatives of the ~~board~~ **commission**. If a claimant refuses to cooperate, the ~~board~~ **commission member or board** may deny the claim or reduce the size of any award.

(2) The final burden of proof of the authenticity and eligibility of a claim, or any part of a claim, rests with the claimant. When an award cannot be made because the law enforcement agency, medical providers, or employer cannot verify the claim, the claimant shall be given written notice of the

particular deficiencies of verification. The information requested by the ~~board~~ **commission** as necessary to verify the claim shall be supplied by the claimant. If the claimant does not comply within a reasonable period of time, the claim shall be denied in whole or in part as appropriate.

(3) Health Care providers cannot bill a sexual assault victim for any portion of a Sexual Assault Forensic Examination (SAFE).

(4) A Peace Officer is one who sustains a personal physical injury, which means bodily harm as a result of an assault in the course of employment.

R 18.358 Burial—Payment limitations.

Rule 8. (1) When an award is ordered for funeral expenses, including burial expenses, the ~~board~~ **commission** shall pay a burial benefit of not more than ~~\$1,500.00~~ **\$2,000** for each victim **for the date of injury on or before December 15, 2010 and not more than the amount set forth in section 11 of the act for each victim for the date of injury on or after December 16, 2010.**

(2) Expenses for flowers, gravestones, catering services, or other personal and family accommodations not directly related to the funeral service and disposition of the body will not be considered.

(3) When the ~~board~~ **commission** awards funeral expenses, which in the absence of ~~board~~ **commission** payment, would be receivable from other public funds, the amount awarded shall not exceed the amount normally paid by the other sources.

(4) The commission shall not award more than the amount set forth in section 11 of the act for grief counseling for homicide victim's spouse, children, parents, siblings, grandparents, and grandchildren.

(5) The commission shall not award more than the amount set forth in section 11 of the act for crime scene clean-up services as allowed under the act.

R 18.361 Serious financial hardship determination; ~~reasonable standard of living.~~

Rule 11. (1) In determining serious financial hardship under section ~~11(5)~~ **11 (7)** of the act, the ~~board member or board~~ **commission** shall consider all of the financial resources of the claimant, ~~except for the following exemptions:~~

~~(a) A homestead or 5 years' rent at the current rate at the time of the crime for an apartment dweller or dweller of a similar abode.~~

~~(b) Personal property consisting of clothing and other personal effects.~~

~~(c) Household furniture, appliances, and equipment.~~

~~(d) One family automobile selected by claimant or victim.~~

~~(e) Life insurance, except in death claims, and disability or death benefits paid or to be paid to a peace officer on account of injuries sustained in the course of employment.~~

~~(f) An additional amount not exceeding the victim's annual net taxable income, in the discretion of the board, after consideration of all other financial resources.~~

(2) In all cases, the ~~board member~~ **commission** shall render a decision which will, as nearly as practicable, permit the claimant or family to maintain a reasonable standard of living. Where out-of-pocket expenses or loss of earnings or support significantly lower this standard of living, the ~~board member~~ **commission** may consider this serious financial hardship.

NOTICE OF PUBLIC HEARING

CRIME VICTIM'S SERVICES COMMISSION

Rule Set 2011-017-CH

NOTICE OF PUBLIC HEARING

July 30, 2013

The Michigan Department of Community Health Crime Victim's Services Commission will hold a public hearing on Tuesday, July 30, 2013 at the offices of the Michigan Department of Community Health, Lansing, Michigan at 9:00 a.m., 201 Townsend, 1st Floor, Conference Center, Lansing, Michigan.

This hearing will be the third hearing held to receive public comments from interested persons on proposed amendments to general rules governing the Crime Victim Service's Commission.

These rules are promulgated under the authority of section 3 of PA 223 of 1976, MCL 18.353 of the Michigan Compiled Laws.

Hearing comments may be presented in person with written comments available at the time of presentation. Individuals may also submit written comments by mail or e-mail to the address listed below. Written comments must be received by 5:00 p.m. on July 30, 2013. Copies of the proposed rules may also be obtained by mail or e-mail at the following address:

Department of Community Health
Office of Legal Affairs
201 Townsend St.
Lansing, Michigan 48913
Attention: Christine Dingee

E-mail address: dingeec1@michigan.gov
Phone: (517) 373-3772

All hearings are conducted in compliance with the 1990 Americans with Disabilities Act. Hearings are held in buildings that accommodate mobility-impaired individuals and accessible parking is available. A disabled individual who requires accommodations for effective participation in a hearing should call Christine Dingee at the above number, to make the necessary arrangements. To ensure availability of the accommodation, please call ten days in advance.

ORR # 2011-017-CH

June 14, 2013

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND
REGULATORY AFFAIRS**

~~BUREAU OF SAFETY AND REGULATIONS~~ DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS ~~COMMISSION~~

Proposed Draft June 3, 2013

Filed with the Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 and 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~–general industry safety standards commission by sections 16 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being SS408.1016 and 408.1021 of the Michigan Compiled Laws)~~

R 408.17501 of the Michigan Administrative Code is amended, and R 408.17502 is added to the Code, as follows:

PART 75. FLAMMABLE AND ~~COMBUSTIBLE~~ LIQUIDS

R 408.17501. **Adoption of standards by reference.** ~~Rescission of federal standards.~~

Rule 7501. (1) **The federal occupational safety and health administration's regulations on flammable liquids promulgated by the United States department of labor and codified at 29 C.F.R. §1910.106, "Flammable liquids," effective March 26, 2012, are adopted by reference in these rules.** ~~The following provisions of 29 C.F.R. 1910.106, incorporated by reference in section 14 of Act No. 154 of the Public Acts of 1974, being S408.1014 of the Michigan Compiled Laws, are rescinded:~~

- ~~(a) 1910.106(b)(1)(i)(c).~~
- ~~(b) 1910.106(b)(1)(ii)(a).~~
- ~~(c) 1910.106(b)(2)(i).~~
- ~~(d) 1910.106(b)(2)(i)(a).~~
- ~~(e) 1910.106(b)(2)(i)(b).~~

- ~~(f) 1910.106(b)(2)(i)(c).~~
- ~~(g) 1910.106(b)(2)(i)(d).~~
- ~~(h) 1910.106(b)(2)(i)(e).~~
- ~~(i) 1910.106(b)(2)(i)(f).~~
- ~~(j) Table H-5.~~
- ~~(k) Table H-6.~~
- ~~(l) Table H-7.~~
- ~~(m) Table H-8.~~
- ~~(n) 1910.106(b)(2)(iii).~~
- ~~(o) Table H-9.~~
- ~~(p) 1910.106(b)(2)(vii)(b)(I).~~
- ~~(q) 1910.106(b)(2)(vii)(b)(III).~~
- ~~(r) 1910.106(b)(2)(vii)(c)(5).~~
- ~~(s) 1910.106(b)(2)(vii)(c)(7).~~
- ~~(t) 1910.106(b)(2)(vii)(c)(7)(I).~~
- ~~(u) 1910.106(b)(2)(vii)(c)(7)(II).~~
- ~~(v) 1910.106(b)(2)(vii)(c)(7)(III).~~
- ~~(w) 1910.106(b)(2)(vii)(c)(7)(IV).~~
- ~~(x) 1910.106(b)(2)(viii)(a).~~
- ~~(y) 1910.106(b)(2)(viii)(b).~~
- ~~(z) 1910.106(b)(2)(viii)(c).~~
- ~~(aa) 1910.106(b)(5)(vi)(c).~~
- ~~(bb) 1910.106(d)(5)(iv)(a).~~
- ~~(cc) 1910.106(d)(5)(iv)(b).~~
- ~~(dd) 1910.106(d)(5)(iv)(c).~~
- ~~(ee) 1910.106(d)(5)(iv)(d).~~
- ~~(ff) 1910.106(d)(6)(ii)(a).~~
- ~~(gg) 1910.106(e)(3)(iv)(c).~~
- ~~(hh) 1910.106(f)(4)(ii).~~
- ~~(ii) 1910.106(f)(4)(iii).~~
- ~~(jj) 1910.106(f)(4)(v).~~
- ~~(kk) 1910.106(g)(1)(ii)(c).~~
- ~~(ll) 1910.106(g)(1)(iv).~~
- ~~(mm) 1910.106(h)(2)(ii)~~
- ~~(nn) Table H-20.~~
- ~~(oo) 1910.106(h)(3)(ii)(c).~~
- ~~(pp) The columns entitled "Height" from Table H-14.~~
- ~~(qq) The columns entitled "Height" from Table H-15.~~
- ~~(rr) The second sentence of 1910.106(h)(2)(i).~~
- ~~(ss) The second sentence of 1910.106(i)(4).~~

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.1200 “Hazard communication,” means Occupational Health Standard Part 430 “Hazard Communication;” General Industry Safety Standard Part 92 “Hazard Communication;” and Construction Safety Standard Part 42 “Hazard Communication;” as referenced in R 408.17502.

(b) A reference to ‘Subpart S of this part’ means General Industry Safety Standard Part 39 “Design Safety Standards For Electrical Systems,” and General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.17502.

(c) A reference to 29 C.F.R. §1910.159 “Automatic sprinkler systems,” means General Industry Safety Standard Part 9 “Fixed Fire Equipment,” as referenced in R 408.17502.

(3) The provisions of 29 C.F.R. §1910.106 have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standard adopted in subrule (1) of this rule is available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standard adopted in subrule (1) of this rule is also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standard adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.17502. MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 9 “Fixed Fire Equipment,” R 408.10901 to R 408.10999.

(e) General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” R 408.13901 to R 408.13902

(f) General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” R 408.14001 to R 408.14009.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND

REGULATORY AFFAIRS

DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS

Proposed Draft June 3, 2013

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of **licensing and regulatory affairs** by sections 16 and 21 of 1974 PA 154, MCL 408.1016 to 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030) ~~labor and economic growth by sections 16 and 21 of 1974 PA 154 and Executive Reorganization Order Nos. 1996-2 and 2003-18, MCL 408.1016, 408.1021, 445.2001, and 445.2011)~~

R 408.17601 and R 408.17602 of the Michigan Administrative Code are amended as follows:

PART 76. SPRAY FINISHING USING FLAMMABLE AND COMBUSTIBLE MATERIALS

R 408.17601 Adoption of **standards by reference**. ~~federal O.S.H.A. standards.~~

Rule 7601. (1) The **following** federal occupational safety and health **administration (OSHA)** ~~administration's regulations~~ **are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.107 “Spray finishing using flammable and combustible materials,” effective March 26, 2012.**

(b) **29 C.F.R. §1910.94 “Ventilation,” effective September 9, 2009.**

~~on spray finishing using flammable and combustible materials that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.107, Spray Finishing Using Flammable and Combustible Materials, March 7, 1996 and appearing in the Federal Register, Volume 61, No. 46 on p. 9237 and the federal occupational safety and health administration's regulations on ventilation for spray finishing operations that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.94(c),~~

Ventilation for Spray Finishing Operations, March 23, 1999 and appearing in the Federal Register, Volume 64, No. 55 on p. 13909, are adopted by reference in these rules as of the effective date of these rules.

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.107 “Spray finishing using flammable and combustible materials,” means General Industry Safety Standard Part 39 “Design Safety Standards for Electrical Systems,” and General Industry Safety Standard Part 40 “Electrical Safety-Related Work Practices,” as referenced in R 408.17602. As of the effective date of these rules, Subpart S, referenced in 29 C.F.R. §1910.107(c)(4), (c)(6), (j)(4)(iv), and (l)(1) means general industry safety standard Part 39. Design Safety Standards for Electrical Systems, R 408.13901 to R 408.13902 and Part 40. Electrical Safety-Related Work Practices, R 408.14001 to R 408.14009.

(b)(3) A reference to 29 C.F.R. §1910.106 “Flammable liquids,” means General Industry Safety Standard Part 75 “Flammable Liquids,” as referenced in R 408.17602. As of the effective date of these rules, §1910.106, referenced in 29 C.F.R. §1910.107(c)(1), means general industry safety standard Part 75. Flammable and Combustible Liquids, R 408.17501.

(c)(4) A reference to 29 C.F.R. §1910.159 “Automatic sprinkler systems,” means General Industry Safety Standard Part 9 “Fixed Fire Equipment” as referenced in R 408.17602. As of the effective date of these rules, §1910.159, referenced in 29 C.F.R. §1910.107(f)(1), mean general industry safety standard Part 9. Fixed Fire Equipment, Automatic Sprinkler Systems, R 408.10921 to R 408.10928.

(5) These rules replace occupational health rule 3235.

(d)(6) A reference to “Dip Tank Operations” means Occupational Health Standard Part 526 “Dipping and Coating Operations,” as referenced in R 408.17602. Rules for dip tank operations can be found in occupational health standard Part 526. Dipping and Coating Operations, R 325.52601 to R 325.52602.

(3) The provisions of 29 C.F.R. §1910.107 and 29 C.F.R. §1910.94 have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.17602 MIOSHA referenced standards. ~~Availability of documents.~~

Rule 7602. (1) The federal regulations adopted by reference in these rules are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 315 West Allegan, Room 315, Lansing, Michigan 48933, or via the internet at

website: www.osha.gov, or from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, P.O. Box 30643, Lansing, Michigan 48909.

(2) The following Michigan occupational safety and health standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Labor and Economic Growth, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) General Industry Safety Standard **Part 9 “Fixed Fire Equipment,”** ~~Part 9. Fixed Fire Equipment,~~ R 408.10901 to R 408.10999.

(b) General Industry Safety Standard **Part 39 “Design Safety Standards for Electrical Systems,”** ~~Part 39. Design Safety Standards for Electrical Systems,~~ R 408.13901 to R 408.13902.

(c) General Industry Safety Standard **Part 40 “Electrical Safety-Related Work Practices,”** ~~Part 40 Electrical Safety-Related Work Practices,~~ R 408.14001 to R 408.14009.

(d) General Industry Safety Standard **Part 75 “Flammable Liquids,”** ~~Part 75. Flammable and Combustible Liquids,~~ R 408.17501 to **R 408.17502.**

(e) Occupational Health Standard **Part 526 “Dipping and Coating Operations,”** ~~Part 526. Dipping and Coating Operations,~~ R 325.52601 to R 325.52602.

(3) The following standards are available from IHS/Global, 15 Inverness Way East, Englewood, Colorado, 80112, USA, telephone number: 1-800-854-7179 or via the internet at website: <http://global.ihs.com>; at a cost as of the time of adoption of these rules, as stated in this subrule:

(a) American National Standard Institute Z9.1-1951 Open-Surface Tanks—Ventilation and Operation, 1951 edition. Cost: \$20.00

(b) American National Standard Institute Z9.2-1960 Fundamentals Governing the Design and Operation of Local Exhaust Ventilation Systems, 1960 edition. Cost: \$32.00.

(c) American Society of Mechanical Engineers, Code for Unfired Pressure Vessels, Section VIII of the ASME Boiler and Pressure Vessel Code, 1968 edition. Cost: \$141.00

(d) National Fire Protection Association NFPA 33-1969 Standard for Spray Finishing Using Flammable and Combustible Materials, 1969 edition. Cost: \$39.00.

(e) National Fire Protection Association NFPA 86A-1969 Standard for Ovens and Furnaces, 1969 edition. Cost: \$66.00.

(f) National Fire Protection Association NFPA 91-1961 Standard for Blower and Exhaust Systems for Vapor Removal, 1961 edition. Cost: \$33.00.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND

REGULATORY AFFAIRS

~~BUREAU OF SAFETY AND REGULATIONS~~ DIRECTOR'S OFFICE

GENERAL INDUSTRY SAFETY STANDARDS ~~COMMISSION~~

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These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs by sections 16 and 21 of 1974 PA 154, MCL 408.1016 to 408.1021, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~—general industry safety standards commission by sections 16 and 21 of Act No. 154 of the Public Acts of 1974, as amended, being SS408.1016 and 408.1021 of the Michigan Compiled Laws)~~

R 408.19101 and R 408.19102 of the Michigan Administrative Code are amended, and R 408.19103 is added to the Code, as follows:

PART 91. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

R 408.19101 Scope.

Rule 9101. (1) This part applies to the manufacturing, keeping, having, storing, selling, transporting, and using of explosives, blasting agents, and pyrotechnics. These rules do not apply to the sale and use (public display) of pyrotechnics, commonly known as fireworks, or to the use of explosives in the form prescribed in the official United States pharmacopeia.

(2) The manufacture of explosives, as defined in ~~the provisions of 29 C.F.R. §1910.109(a)(3), explosives,~~ **General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.19102**, shall also be in compliance with the requirements contained in the provisions of **these rules.** ~~29 C.F.R. §1910.119.~~

(3) The manufacture of pyrotechnics as defined in ~~the provisions of 29 C.F.R. §1910.109(a)(10)~~ **General Industry Safety Standard Part 55 "Explosives and Blasting Agents," as referenced in R 408.19102**, shall also be in compliance with the provisions of these rules.

R 408.19102 Adoption of standards by reference.

Rule 9102. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:

(a) 29 C.F.R. §1910.119 “Process safety management of highly hazardous chemicals,” effective February 8, 2013.

(b) 29 C.F.R. §1910.119 Appendix A “List of highly hazardous chemicals, toxics and reactives (mandatory),” effective December 27, 2011.

~~The federal occupational safety and health administration's regulations on process safety management of highly hazardous chemicals that have been promulgated by the United States department of labor and have been codified at 29 C.F.R. §1910.119, including appendix A, with an effective date of May 26, 1992, and which were amended March 7, 1996, appearing in the Federal Register on pp. 9238, are adopted by reference in these rules as of the effective date of these rules. The definitions referred to in R 408.19101(2) and (3) and codified at 29 C.F.R. §1910.109(a)(3) and (10) are adopted in these rules by reference. The adopted regulations may be obtained from the Michigan Department of Consumer and Industry Services, Standards Division, P.O. Box 30643, Lansing, Michigan 48909, at no charge as of the time of adoption of these rules, or from the United States Department of Labor, Occupational Safety and Health Administration, 801 S. Waverly Rd., Room 306, Lansing, MI 48917, at no charge as of the time of adoption of these rules.~~

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule:

(a) A reference to 29 C.F.R. §1910.1200 “Hazard communication,” means Occupational Health Standard Part 430 “Hazard Communication;” General Industry Safety Standard Part 92 “Hazard Communication;” and Construction Safety Standard Part 42 “Hazard Communication;” as referenced in R 408.19103.

(b) A reference to 29 C.F.R. §1910.38, “Emergency action plans,” means General Industry Safety Standard Part 6 “Fire Exits,” as referenced in R 408.19103.

(c) A reference to 29 C.F.R. §1910.109, “Explosives and blasting agents,” means General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” as referenced in R 408.19103.

(d) A reference to 29 C.F.R. §1910.252, “Welding, cutting, and brazing,” means Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” as referenced in R 408.19103.

(e) A reference to 29 C.F.R. §1910.120 “Hazardous waste operations and emergency response,” means Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” as referenced in R 408.19103.

(3) The provisions of 29 C.F.R. §1910.119 and 29 C.F.R. §1910.119 Appendix A have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 408.19103 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 6 “Fire Exits,” R 408.10601 to R 408.10697.

(e) General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” R 408.15501.

(f) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(g) Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” R 325.52901 to R 325.52908.

PROPOSED ADMINISTRATIVE RULES

DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND

REGULATORY AFFAIRS

~~BUREAU OF HEALTH STANDARDS COMMISSION~~ DIRECTOR'S OFFICE

~~OCCUPATIONAL HEALTH STANDARDS COMMISSION~~

~~PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS~~

Proposed Draft June 3, 2013

Filed with Secretary of State on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the **director of the department of licensing and regulatory affairs by sections 14 and 24 of 1974 PA 154, MCL 408.1014 to 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030**) ~~occupational health standards commission by sections 14 and 24 of Act No. 154 of the Public Acts of 1974, as amended, being SS408.1014 and 408.1024 of the Michigan Compiled Laws)~~

R 325.18301 and R 325.18302 of the Michigan Administrative Code are amended, and R 325.18303 is added to the Code, as follows:

PART 591. PROCESS SAFETY MANAGEMENT OF HIGHLY HAZARDOUS CHEMICALS

R 325.18301 Scope.

Rule 1. (1) These rules establish the minimum requirements for preventing or minimizing the consequences of catastrophic releases of toxic, reactive, flammable, or explosive chemicals.

(2) The regulations adopted by R 325.18302 shall apply to all workplaces pursuant to the provisions of **these rules**. ~~29 C.F.R. §1910.119.~~

(3) The manufacture of explosives, as defined in the provisions of ~~29 C.F.R. §1910.109(a)(3), Explosives, of General Industry Safety Standard Part 55 "Explosives and Blasting Agents,"~~ **as referenced in R 325.18303**, shall also be in compliance with the requirements contained in the provisions of **these rules**. ~~29 C.F.R. §1910.119.~~

(4) The manufacture of pyrotechnics as defined in the provisions of 29 C.F.R. §1910.109(a)(10) **General Industry Safety Standard Part 55 “Explosives and Blasting Agents,”** as referenced in R 325.18303, shall also be in compliance with the provisions of these rules.

R 325.18302 Adoption of standards by reference of federal regulations.

Rule 2. (1) **The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules:**

(a) **29 C.F.R. §1910.119 “Process safety management of highly hazardous chemicals,” effective February 8, 2013.**

(b) **29 C.F.R. §1910.119 Appendix A “List of highly hazardous chemicals, toxics and reactivities (mandatory),” effective December 27, 2011.**

~~The federal occupational safety and health administration's regulations on process safety management of highly hazardous chemicals that have been promulgated by the United States department of labor and codified at 29 C.F.R. §1910.119, which were published in the Federal Register on February 24, 1992, which have an effective date of May 26, 1992, and which were amended March 7, 1996, appearing in the Federal Register on pp. 9238, are adopted by reference in these rules as of the effective date of these rules. The definitions referred to in R 325.18301(3) and (4) and codified at 19 C.F.R. §1910.109(a)(3) and (10) are adopted in these rules by reference.~~

~~(2) The adopted federal regulations shall have the same force and effect as a rule promulgated pursuant to the provisions of Act No. 154 of the Public Acts of 1974, as amended, being §408.1001 et seq. of the Michigan Compiled Laws.~~

~~(2)(3) All of the following provisions apply with respect to the regulations adopted in subrule (1) of this rule: The following provisions are amendments to federal regulations adopted by reference by the department of consumer and industry services.~~

(a) A reference to 29 C.F.R. §1910.1200 **“Hazard communication,”** means **Occupational Health Standard Part 430 “Hazard Communication;” General Industry Safety Standard Part 92 “Hazard Communication;”** and **Construction Safety Standard Part 42 “Hazard Communication;”** as referenced in R 325.18303. ~~is deemed to be a reference to Part 42, Part 92, and R 325.77001 Hazard Communication, being R 408.44201 et seq., R 408.19201 et seq., and R 325.77001 et seq. respectively, of the Michigan Administrative Code.~~

(b) A reference to 29 C.F.R. §1910.38, **“Emergency action plans,”** means **General Industry Safety Standard Part 6 “Fire Exits,”** as referenced in R 325.18303. ~~as adopted by reference in R 325.52125 Hazardous Waste Operations and Emergency Response, is deemed to be a reference to general industry safety standard Part 6. Fire Exits, being R 408.10601 et seq. of the Michigan Administrative Code.~~

(c) A reference to 29 C.F.R. §1910.109, **“Explosives and blasting agents,”** means **General Industry Safety Standard Part 55 “Explosives and Blasting Agents,”** as referenced in R 325.18303. ~~- Explosives and Blasting Agents, means general industry safety standard Part 55. Explosives and Blasting Agents, being R 408.15501 et seq. of the Michigan Administrative Code.~~

(d) A reference to 29 C.F.R. §1910.252, **“Welding, cutting, and brazing,”** means **Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,”** as referenced in R 325.18303.

(e) A reference to 29 C.F.R. §1910.120 “Hazardous waste operations and emergency response,” means Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” as referenced in R 325.18303.

(3) The provisions of 29 C.F.R. §1910.119 and 29 C.F.R. §1910.119 Appendix A have the same force and effect as rules promulgated under 1974 PA 154, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.

(4) The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules. ~~The adopted federal regulations are available without cost at the time of adoption of these rules from the United States Department of Labor, OSHA, 801 South Waverly, Room 306, Lansing, Michigan 48917, or from the Michigan Department of Consumer and Industry Services, Standards Division, P.O. Box 30643, Lansing, Michigan 48909.~~

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

R 325.18303 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(b) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(c) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(d) General Industry Safety Standard Part 6 “Fire Exits,” R 408.10601 to R 408.10697.

(e) General Industry Safety Standard Part 55 “Explosives and Blasting Agents,” R 408.15501.

(f) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,” R 325.52101 to R 325.52137.

(g) Occupational Health Standard Part 529 “Welding, Cutting, and Brazing,” R 325.52901 to R 325.52908.

PROPOSED ADMINISTRATIVE RULES

**DEPARTMENT OF ~~CONSUMER AND INDUSTRY SERVICES~~ LICENSING AND
REGULATORY AFFAIRS**

DIRECTOR'S OFFICE

OCCUPATIONAL HEALTH STANDARDS ~~COMMISSION~~

~~METHYLENE CHLORIDE~~

Proposed Draft June 3, 2013

Filed with the Secretary on

These rules become effective immediately upon filing with the Secretary of State unless adopted under section 33, 44, or 45a(6) of 1969 PA 306. Rules adopted under these sections become effective 7 days after filing with the Secretary of State.

(By authority conferred on the director of the department of **licensing and regulatory affairs** by sections 14 and 24 of 1974 PA 154, MCL 408.1014 and 408.1024, and Executive Reorganization Order Nos. 1996-2, 2003-1, 2008-4, and 2011-4, MCL 445.2001, 445.2011, 445.2025, and 445.2030) ~~consumer and industry services by section 24 of Act No. 24 of Act No. 154 of the Public Acts of 1974, as amended, and Executive Reorganization Order Nos. 1996-1 and 1996-2, being 408.1024, 330.3101, and 445.2001 of the Michigan Compiled Laws)~~

R 325.51651 and R 325.51652 of the Michigan Administrative Code are amended, and R 325.51653 is added to the Code, as follows:

PART 313. METHYLENE CHLORIDE

R 325.51651 Scope and application.

Rule 1. (1) These rules apply to all occupational exposures to methylene chloride (MC), chemical abstracts service registry no. 75-09-2, in all industries covered by **1974 PA 154, known as Act No. 154 of the Public Acts of 1974, as amended, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.** ~~being 408.1001 et seq. of the Michigan Compiled Laws.~~

(2) These rules replace all references to methylene chloride contained in table G-2 in **Occupational Health Part 301 "Air Contaminants for General Industry," as referenced in R 325.51653.** ~~R 325.51108 and table 4 of exhibit 1 of the O.H. rule 6201 (1). R 325.51652 Adoption by reference of federal regulations.~~

R 325.51652. Adoption **of standards** by reference. ~~of federal regulations.~~

Rule 2. (1) The following federal occupational safety and health administration (OSHA) regulations are adopted by reference in these rules.

(a) 29 C.F.R. §1910.1052 “Methylene chloride,” effective March 26, 2012.

(b) 29 C.F.R. §1926.1152 “Methylene chloride,” effective January 10, 1997.

~~The federal occupational safety and health administrations regulations on methylene chloride that have been promulgated by the United States department of labor, codified at 29 C.F.R. SS1910.1052 and 1926.1152, and published in the Federal Register on January 10, 1997, and amendments appearing in the Federal Register on August 8, 1997, pp. 42666 and 42667; August 14, 1997, p. 43581; September 15, 1997, pp. 48175 and 48176; January 8, 1998, p. 1295; and September 22, 1998, pp. 50729 to 50732, are adopted by reference in these rules.~~

(2) All of the following provisions apply with respect to the regulations adopted in subrule (1) of these rules:

(a) A reference to 29 C.F.R. §1910.120, “Hazardous waste and emergency response,” means **Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency Response,”** as referenced in R 325.51653. ~~1910.120, hazardous waste and emergency response, in 29 C.F.R. part 1910, subpart H, means occupational health rules for hazardous waste operations and emergency response, being R 325.52101 et seq., of the Michigan Administrative Code.~~

(b) A reference to 29 C.F.R. §1910.133, “Eye and face protection,” means **Occupational Health Standard Part 433 “Personal Protective Equipment;” General Industry Safety Standard Part 33 “Personal Protective Equipment;” and Construction Safety Standard Part 6 “Personal Protective Equipment;”** as referenced in R 325.51653. ~~1910.133, eye and face protection, in 29 C.F.R. part 1910, subpart I, means occupational health rules for personal protective equipment, being R 325.60001 et seq. of the Michigan Administrative Code; general industry safety standard Part 33. Personal Protective Equipment, being R 408.13301 et seq., of the Michigan Administrative Code; and construction safety standard Part 6. Personal Protective Equipment, being R 408.40601 et seq., of the Michigan Administrative Code.~~

(c) A reference to 29 C.F.R. §1910.1200 and 29 C.F.R. §1926.59 “Hazard communication,” means **Occupational Health Standard Part 430 “Hazard Communication;” General Industry Safety Standard Part 92 “Hazard Communication;” and Construction Safety Standard Part 42 “Hazard Communication;”** as referenced in R 325.51653. ~~SS1910.1200 and 1926.59, hazard communication, in 29 C.F.R. part 1910, subpart Z, means occupational health rules for hazard communication, being R 325.77001 et seq. of the Michigan Administrative Code; general industry safety standard Part 92. Hazard Communication, being R 408.19201 et seq. of the Michigan Administrative Code; and construction safety standard Part 42. Hazard Communication, being R 408.44201 et seq. of the Michigan Administrative Code.~~

(d) A reference to 29 C.F.R. §1910.1020 “Access to employee exposure records and medical records,” means **Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,”** as referenced in R 325.51653. ~~1910.1020, access to employee exposure records and medical records, in 29 C.F.R. part 1910, subpart Z, means occupational health rules for employee medical records and trade secrets, being R 325.3451 et seq. of the Michigan Administrative Code.~~

~~(c) A reference to 29 C.F.R. 1910.1000, air contaminants, in 29 C.F.R. part 1910, subpart Z, means occupational health rules for air contaminants, being R 325.51101 et seq. of the Michigan Administrative Code.~~

(3) The provisions of 29 C.F.R. **§1910.1052** and 29 C.F.R. **§1926.1152** ~~SS1910.1052 and 1926.1152~~ have the same force and effect as rules promulgated under **1974 PA 154, known as Act No. 154 of the Public Acts of 1974, as amended, the Michigan Occupational Safety and Health Act (MIOSHA), MCL 408.1001 to 408.1094.** ~~being 408.1001 et seq. of the Michigan Compiled Laws.~~

(4) **The standards adopted in subrule (1) of this rule are available from the United States Department of Labor, Occupational Safety and Health Administration website: www.osha.gov, at no charge as of the time of adoption of these rules.** ~~The provisions of 29 C.F.R. SS1910.1052 and 1926.1152 are available without cost as of the time of adoption of these rules from the United States Department of Labor, OSHA, 801 South Waverly, Room 306, Lansing, Michigan 48917, or from the Michigan Department of Consumer and Industry Services, Standards Division, 7150 Harris Drive, P. O. Box 30643, Lansing, Michigan 48909.~~

(5) The standards adopted in subrule (1) of this rule are also available for inspection at the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, Lansing, Michigan, 48909-8143.

(6) The standards adopted in subrule (1) of this rule may be obtained from the publisher or may also be obtained from the Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143, plus \$20.00 for shipping and handling.

(7) Appendices A, B, and C, to these rules are informational only and are not intended to create any additional obligations or requirements not otherwise imposed or to detract from any established obligations or requirements.

R 325.51653 MIOSHA referenced standards.

Rule 3. The following Michigan occupational safety and health (MIOSHA) standards are referenced in these rules. Up to 5 copies of these standards may be obtained at no charge from the Michigan Department of Licensing and Regulatory Affairs, MIOSHA Standards Section, 7150 Harris Drive, P.O. Box 30643, Lansing, Michigan, 48909-8143 or via the internet at website: www.michigan.gov/mioshastandards. For quantities greater than 5, the cost, as of the time of adoption of these rules, is 4 cents per page.

(a) Construction Safety Standard Part 6 “Personal Protective Equipment,” R 408.40601 to R 408.40641.

(b) General Industry Safety Standard Part 33 “Personal Protective Equipment,” R 408.13301 to R 408.13399.

(c) Occupational Health Standard Part 433 “Personal Protective Equipment,” R 325.60001 to R 325.60013.

(d) Construction Safety Standard Part 42 “Hazard Communication,” R 408.44201 to R 408.44203.

(e) General Industry Safety Standard Part 92 “Hazard Communication,” R 408.19201 to R 408.19203.

(f) Occupational Health Standard Part 430 “Hazard Communication,” R 325.77001 to R 325.77003.

(g) Occupational Health Standard Part 301 “Air Contaminants for General Industry,”
R 325.51101 to R 325.51108.

(h) Occupational Health Standard Part 432 “Hazardous Waste Operations and Emergency
Response,” R 325.52101 to R 325.52137.

(i) Occupational Health Standard Part 470 “Employee Medical Records and Trade Secrets,”
R 325.3451 to R 325.3476.

**OPINIONS OF THE
ATTORNEY GENERAL**

MCL 14.32 states in part:

“It shall be the duty of the attorney general, when required, to give his opinion upon all questions of law submitted to him by the legislature, or by either branch thereof, or by the governor, auditor general, treasurer or any other state officer”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(j) Attorney general opinions.”

BILL SCHUETTE, ATTORNEY GENERAL

NONPROFIT CORPORATIONS ACT:

45

Historic Places.² The museum is operated by a nonprofit corporation, the Detroit Institute of Arts Founders Society (Founders Society).

The City itself is presently under the administration of an emergency manager as provided for in the Local Financial Stability and Choice Act, 2012 PA 436, MCL 141.1541 *et seq.* That act allows the emergency manager to sell, convey, or otherwise transfer assets of the City, if such is provided for in the manager’s financial and operating plan,³ or otherwise with the prior written approval of the Governor. MCL 141.1552(r).⁴ As your request notes, some have suggested that the museum’s art collection, to which the City has legal title, could be sold under this act in order to satisfy debts or obligations owed by the City, but unrelated to the art collection or the museum.⁵

Before addressing your question, it is helpful to provide an overview of the museum’s creation and present operations.

I. Historical Overview of the Detroit Institute of Arts.

The museum was incorporated by its founding members as a nonprofit charitable corporation 128 years ago pursuant to legislation enacted in 1885. In that year, the Michigan Legislature enacted 1885 PA 3, an “[a]ct for the formation of corporations for the cultivation of art.” The act provided that a group of individuals could “become a body corporate” for “the purpose of founding a public art

¹ See www.dia.org/about/history.aspx.

² See <http://nrhp.focus.nps.gov/natregsearchresult.do?fullresult=true&recordid=55>.

³ MCL 141.1551 requires an emergency manager to develop a written financial and operating plan addressing various issues, and to submit the plan to the State Treasurer.

⁴ An emergency manager must first submit any proposed sale of assets to the local government unit’s governing body for approval. MCL 141.1559(1). If the governing body disapproves the proposed sale, the governing body must present an alternative plan that yields a similar financial result. The local emergency financial assistance loan board then chooses between the options. MCL 141.1559(2).

⁵ Because this opinion concludes that the art collection is held in charitable trust, it is unnecessary to address whether the collection is the type of asset that could be sold for purposes of MCL 141.1552(r). But arguably, the Legislature, in enacting the Local Financial Stability and Choice Act, did not intend that unique cultural assets of a local unit of government be sold

institute” “in the manner and for the purposes . . . set forth” in the act. Section 1, CL 1915, § 10759.

The act stated that the corporation must have articles of incorporation setting forth its purpose, Section 2, CL 1915, § 10760, and further provided that:

Such corporations shall have power . . . to receive, acquire, collect, and own paintings, sculpture, engravings, drawings, pictures, coins, and other works of art, and to institute, maintain, or assist schools for the teaching of art.

The public exhibition of its collection of works of art shall be the duty of every such corporation, and, as soon as it shall be prepared to do so, it shall, under reasonable regulations, and without any improper discriminations, open its buildings and art collection to the general public. [1885 PA 3, Sections 3 and 4, CL 1915, §§ 10761, 10762; emphasis added.]

The property of the corporation would be tax exempt, Section 18, CL 1915, § 10776, and the corporation would be managed by a board of trustees who served without compensation. Sections 6 through 11, CL 1915, §§ 10764 - 10769. The act required that “all gifts, devises, or requests” be “faithfully used for the purposes” of the corporation, and “no dividend in money or property” could be made among the corporation’s members. Section 15, CL 1915, § 10773. The corporation was prohibited from changing its “character and purposes,” and from selling “its general art collection.” Section 16, CL 1915, § 10774. And the corporation could only wind up its affairs if provided for by law. *Id.*

The museum, then known as the Detroit Museum of Art, was incorporated on April 16, 1885, pursuant to these requirements, and set forth its purpose in its articles of incorporation as “for the founding of a public art institute in the City of Detroit, which may . . . receive and use such gifts, contributions, devises and bequests as may be made for art purposes: receive, acquire, collect and own paintings, sculpture, engravings, drawings, pictures, coins and other works of art, and may do all things

since such a sale would not be in the best interests of the health, safety, and welfare of the citizens of this State. MCL 141.1543.

authorized by said Act” 1885 Articles of Incorporation, Detroit Museum of Art.¹ The museum immediately thereafter began acquiring pieces of art for its collection through purchases, gifts, donations, and bequests.

Not long after the museum’s incorporation, the Legislature passed various acts empowering the City to appropriate money to support the museum, and to issue bonds for the construction of buildings. This expenditure of public money on behalf of the museum, a private nonprofit corporation, raised concerns and a lawsuit was filed. See *Detroit Museum of Art v Engel*, 187 Mich 432, 434-435; 153 NW 700 (1915). During this time period, the museum had conveyed its buildings and real estate to the City. (No art was conveyed to the City given the express prohibition in the incorporating legislation). However, the museum retained control of its collection and operation. *Detroit Museum of Art*, 187 Mich at 435.

The Michigan Supreme Court ultimately concluded that these appropriations violated the 1908 Constitution’s restrictions on a city’s lending of credit to an entity other than a public or “municipal agency.” *Id.* at 439-443. The Court agreed that the museum served a “public purpose,” but did not find that fact or the fact that the museum had conveyed its buildings and real property to the City dispositive since it did “not change the museum’s character as a private corporation.” *Id.* at 440. Presumably, after this decision, the museum no longer received appropriations from the City, and the museum apparently began to struggle financially. In response, in 1919 the Legislature amended 1885 PA 3, as amended by 1913 PA 245, to allow corporations formed under that act to convey their property. 1919 PA 67 provided that a “corporation organized under [1885 PA 3] situated in a city empowered to maintain a public art institute . . . may convey all or any of its property to said city. . . and said property so conveyed shall . . . be faithfully used for the purposes for which such corporation was organized”

¹ The museum’s corporate documents are available at www.dleg.state.mi.us/bcs_corp/sr_corp.asp.

Section 20. 1885 PA 3, 1913 PA 245, and 1919 PA 67 were subsequently repealed by 1921 PA 84, as part of the consolidation of corporations law, but were subject to the savings provision in that act.

Pursuant to this statutory authorization and the City's 1918 Charter, which authorized the City to operate an art institute and to acquire art for the institute, Charter XIX, Sections 1, 7, the museum, in its corporate capacity as the Detroit Museum of Art, conveyed its buildings and art collection to the City in 1919. With the legal transfer of the properties and art collection to the City, the City was now free to support the museum; and it did so by funding both museum operations and by purchasing new art for the collection. The nonprofit corporation, however, did not wind up its affairs but rather continued to exist to assist the museum with gifts of art and with support of museum operations and their costs. That nonprofit corporation exists today as the Founders Society, as noted above.

Over the ensuing years, the museum's structure and funding sources changed as needed based on changing circumstances. By 1955, the City began to encounter financial problems, and its acquisitions for the museum collection largely ceased. In 1973, the museum temporarily closed due to lack of funding. Shortly thereafter, in 1977, the State began granting money to the City so that the museum could continue operating. In 1983, the City claimed greater control over the museum's operations: museum employees became employees of the City. These events led to the issuance of an opinion by Attorney General Frank Kelley, which confirmed the validity of State appropriations or grants to the City for the benefit of the museum. In confirming State support for the museum, Attorney General Kelley recognized the museum's state or "public purpose" and status as a unique, cultural treasure of the people of Michigan:

Unquestionably, and uniquely in Michigan, the Detroit Institute of Arts, as a widely acclaimed cultural facility, is utilized by the citizens of this state without regard to residency in the city. The facility is an outstanding tourist attraction utilized by tourists and their families. Its vast displays and cultural facilities are readily and regularly available to Michigan students. Both the Governor in his Executive Budget, and the

Legislature in the enactment of appropriations for the support of the Detroit Institute of Arts, have recognized its place in the cultural life of this state. [OAG, 1983-1984, No 6225, pp 303, 308 (May 7, 1984).]

Following the Attorney General’s opinion, state grants for the museum continued; though by the 1990s, these grants began decreasing. From 1977 through 2011, state funding for the museum totaled roughly \$300 million.

In 1997, the structure and operation of the museum changed again. Under a 1997 Operating Agreement, the City maintained its legal title to the art collection, but transferred operations – and their entire cost – back to the Founders Society. From 1997 to the present, the museum has operated under this Agreement. And despite the Founders Society’s best efforts to support the museum with charitable dollars, it continued to face financial difficulties. In 2010, the Legislature enacted the Art Institute Authorities Act, 2010 PA 296, MCL 123.1201 *et seq.* This act authorized the establishment of an art institute authority for the levying of property taxes to support “art institute[s]” like the museum. MCL 123.1205.¹ In November 2012, voters of Oakland, Macomb, and Wayne Counties passed the millage to help support the museum. This millage supplements the museum’s charitable endowment and regular charitable contributions.

II. Present Operations.

To address your question, a closer examination of the 1997 Operating Agreement is also required. Other helpful documents include the Museum’s Collections Management Policy, which is referenced in the Operating Agreement; the ethical policies governing both American and international museums; and the accounting practices that apply to museum art collections.

¹ The act defines “art institute” as “an encyclopedic art museum whose primary art collection and facility, at the date an authority is established, are owned by a municipality located in this state.” MCL 123.1203(a).

A. 1997 Operating Agreement.

The 1997 Operating Agreement, which expires in 2018, currently governs the relationship between the Founders Society and the City. The Operating Agreement is referenced explicitly in the City’s charter: “The Arts Department shall maintain and operate the Detroit Institute of Arts directly or pursuant to an operating agreement.” 2012 Charter for the City of Detroit, § 7-301.

Several sections of the Operating Agreement are relevant to the ownership and disposition of the art collection.

Section E. of the Operating Agreement specifies that the City retains ownership of the art collection, the museum properties, and any newly acquired art. And Section F.12. requires the Founders Society to use best efforts to solicit gifts and donations of works of art for the benefit of the museum.

Section F.2.(a) of the Operating Agreement cedes responsibility for managing the City’s art collection to the Founders Society in accord with the museum’s Collections Management Policy, which is discussed below. In addition, Section F.2.(b) cedes the right to acquire and dispose of the museum’s works of art to the Founders Society; providing that any funds it receives from any sale must be used solely to purchase other works of art for the art collection. In consideration for exclusive right to manage the museum and control the artwork, subject to the terms of the agreement, the Founders Society assumed full responsibility for all operating expenses of the museum, as well as other obligations that had previously been the responsibility of the City, including “management of the art collections; presentation of exhibitions and other events; maintenance of the museum building, the Frederick lot . . . and the employee parking lot; collection and expenditure of income; fundraising; marketing; acquisition/disposition of works of art; and all other financial operations” Section D.3.

Although the City retains legal title to the museum and its artwork, the sale of the artwork by the City is not permitted under the Operating Agreement and would seriously undermine the ability of the Founders Society to fulfill its contractual responsibilities.

B. Collections Management Policy.

The museum's Collections Management Policy, to which Section F.2.(a) of the Operating Agreement requires the Founders Society to adhere, includes language restricting the disposition of the art collection.

Section V.A. states: "In considering objects or groups of objects, the Museum must be ever aware of its role as trustee of the collection for the benefit of the public." Section V.E. similarly states: "The manner of disposition should be in the best interest of the Museum, the public it serves, the public trust it represents, and the scholarly and cultural communities it serves." Section V.F. limits the use of the disposition proceeds: "Net proceeds derived from the sale of a deaccessioned object (i.e., the proceeds of the disposition less all related expenses) shall not be used as operating funds. Such net proceeds shall be placed in the selling curatorial department's Art Acquisition Fund"

C. Professional Codes of Ethics.

The museum's Collections Management Policy, which views museum assets as being held in "public trust"¹ and which strictly limits deacquisition of art, is in accord with the professional codes of

¹ The term "public trust" as used by museums and their associations should not be equated with the "public trust doctrine" that Michigan and other courts have applied to navigable waterways. See, e.g., *Glass v Goeckel*, 473 Mich 667, 694; 703 NW2d 58 (2005) (finding that the shores of the Great Lakes below the ordinary high water mark were held in public trust.). See also *Netweg v Wallace*, 237 Mich 14, 17; 208 NW 51 (1926) and *State v Venice of America Land Co*, 160 Mich 680, 702; 125 NW 770 (1910). While there has been debate in other states for extending this doctrine to apply to cultural resources, like museums, see Sara Tam, Note, 39 Fordham Urb L J 849, 861-863 (2012), In Museums We Trust: Analyzing the Mission of Museums, Deaccessioning Policies, and the Public Trust, research discloses no Michigan cases that have applied the public trust doctrine outside of the natural resources context.

ethics adopted by the American Alliance of Museums and the International Council of Museums.¹

Relevant sections from these ethical codes follow.

The American Alliance of Museum's Code of Ethics (adopted 1991, amended 2000) states:

Taken as a whole, museum collections and exhibition materials represent the world's natural and cultural common wealth. As stewards of that wealth, museums are compelled to advance an understanding of all natural forms and of the human experience. It is incumbent on museums to be resources for humankind and in all their activities to foster an informed appreciation of the rich and diverse world we have inherited. It is also incumbent upon them to preserve that inheritance for posterity.

Museums in the United States are grounded in the tradition of public service. They are organized as public trusts, holding their collections and information as a benefit for those they were established to serve. . . .

[D]isposal of collections through sale, trade or research activities is solely for the advancement of the museum's mission. Proceeds from the sale of nonliving collections are to be used consistent with the established standards of the museum's discipline, but in no event shall they be used for anything other than acquisition or direct care of collections.²

The International Council of Museums' Code of Ethics (adopted 1986, amended 2001, and revised 2004) gives similar principles:

Principle 2: Museums that maintain collections hold them in trust for the benefit of society and its development.

* * *

Principle 2.16: Museum collections are held in public trust and may not be treated as a realizable asset. Money or compensation received from the deaccessioning and disposal of objects and specimens from a museum collection should be used solely for the benefit of the collection and usually for acquisitions to that same collection.³

¹ Museums and professional organizations began promulgating ethical codes regarding deaccessioning and museum practices, after the Metropolitan Museum of Art in New York planned to sell several significant pieces in 1972. Tam, In Museums We Trust, 39 Fordham Urb L J at 864-865.

² Available at www.aam-us.org/resources/ethics-standards-and-best-practices/code-of-ethics-for-museums.

³ Available at <http://icom.museum/the-vision/code-of-ethics/>.

D. Accounting Practices.

In accord with the view that museum art collections are held in trust for the public and are not financial assets of the museum, neither the City nor the Founders Society have capitalized the art collection. In other words, the art collection is not considered on either the City's or the Founders Society's books as an asset with a monetary value because, though these assets have substantial monetary value, they are not assets that can simply be sold; rather, they are subject to the strict deaccessioning policies discussed above.

The decision not to capitalize the art collection accords with the American Association for State and Local History's policy against capitalization of museum collections. It also accords with the accounting principles of both the Financial Accounting Standards Board and the Governmental Accounting Standards Board, which each allow the non-capitalization of museum collections. See FASB, No. 116, ¶¶ 11-13; GASB No. 34. By contrast, the City has capitalized other City works of art that are outside the museum's collection; the City's 2012 Comprehensive Annual Financial Report lists these works of art as capital assets valued at \$29.8 million.¹ It is understood that such works of art include the City's "Spirit of Detroit" statue, the Joe Louis "fist," and other works of art in City buildings.

III. The art collection is held in charitable trust and may not be sold to satisfy City debts.

Against this backdrop, you ask whether the art collected and displayed at the museum may be sold or transferred for purposes of satisfying debts or obligations of the City unrelated to the collection

¹ See City of Detroit's 2012 Comprehensive Annual Financial Report, pp 29, 95, *available at* <http://www.detroitmi.gov/DepartmentsandAgencies/Finance/AccountsDivision.aspx>.

or the museum. The answer to this question is no. As explained below, this question is governed by the law of charitable trusts.

A. Michigan law favors the creation of charitable trusts.

Michigan charitable trust law is rooted in the common law. Much of that law is now codified in various statutes, such as the Supervision of Trustees for Charitable Purposes Act, 1961 PA 101, MCL 14.251 *et seq.*, the Charitable Gifts Act, 1915 PA 280, MCL 554.351 *et seq.*, the Nonprofit Corporation Act, 1982 PA 162, MCL 450.2101 *et seq.*, and the Estates and Protected Individuals Code (EPIC), 1998 PA 386, MCL 700.1101 *et seq.* Though the museum was incorporated before many of these statutes were enacted, the basic principles of charitable trust law are uniform and longstanding.

A Michigan court observed decades ago that “[c]haritable gifts and trusts are favorites of the law and of the courts, and the courts will declare valid, and give effect to, such gifts and trusts where it is possible to do so” *In re Rood’s Estate*, 41 Mich App 405, 422; 200 NW2d 728 (1972), quoting 14 CJS, Charities, § 6, p 427. The Supervision of Trustees for Charitable Purposes Act echoes this sentiment, providing that “[i]t is hereby declared to be the policy of the state that the people of the state are interested in the administration, operation and disposition of the assets of all charitable trusts in the state.” MCL 14.251. That act further provides that the “act, in all of its provisions, in the interests of society and in conformity with public policy is intended to protect the rights and interest of the people of the state and the uncertain and indefinite beneficiaries of all charitable trusts” MCL 14.265.¹

The EPIC defines the word “trust” in the following way:

¹ The Supervision of Trustees for Charitable Purposes Act provides that “[t]he attorney general . . . shall represent the people of the state and the uncertain or indefinite beneficiaries in all charitable trusts in this state, and may enforce such trusts by proper proceedings in the courts of this state.” MCL 14.254(a). See also MCL 554.352 and MCL 700.7405(3).

“Trust” includes, but is not limited to, an express trust, private or *charitable*, with additions to the trust, wherever and however created. Trust includes, but is not limited to, a trust created or determined by judgment or decree under which the trust is to be administered in the manner of an express trust. [MCL 700.1107(n); emphasis added.]

Case law confirms this, concluding that the term “trust” is not limited to express trusts and extends to corporations created to administer trusts. See *In re Americana Foundation*, 145 Mich App 735; 378 NW2d 586 (1985).

The EPIC defines a “charitable trust” as “a trust . . . created for a charitable purpose described in section 7405(1).” MCL 700.7103(c). Section 7405(1), MCL 700.7405(1), in turn, provides that a charitable trust “may be created for the relief of poverty, the advancement of education or religion, the promotion of health, scientific, literary, benevolent, governmental, or municipal purposes, . . . or other purposes the achievement of which is beneficial to the community.” See also Restatement (Third) of Trusts §§ 27-28 (2003); 15 Am Jur 2d, Charities, §§ 5 and 32. Section 2(b), MCL 14.252(b), of the Supervision of Trustees for Charitable Purposes Act similarly defines “charitable trust” as “the relationship where a trustee holds property for a charitable purpose.” While neither of these Acts expressly mention art museums, the public exhibition of art is generally considered a charitable purpose. See 15 Am Jur 2d, Charities, § 49. See also *Hardman v Feinstein*, 240 Cal Rptr 483, 486 (Cal Ct App 1987) (“Art museums advance education and therefore serve a charitable purpose.”). In fact, charitable trusts and nonprofit corporations “are the organizational structures generally available to private museums.” Sara Tam, Note, In Museums We Trust: Analyzing the Mission of Museums, Deaccessioning Policies, and the Public Trust, 39 Fordham Urb L J 849, 855-856 (2012).

These more recent statutory iterations of the term “charitable trust” are consistent with the Michigan Supreme Court’s past descriptions. In *Scarney v Clarke*, 282 Mich 56, 63-64; 275 NW 765 (1937), the Court observed:

In 2 Restatement of the Law of Trusts, p 1096, § 349, it is said:

“A charitable trust may be created by (a) a declaration by the owner of property that he holds it upon a charitable trust; or (b) a transfer inter vivos by the owner of property to another person to hold it upon a charitable trust.”

* * *

In charitable trusts, the public is the beneficiary. A distinguishing characteristic of such a trust is that the prospective beneficiary is undetermined and unknown, and while such a trust need not be for the benefit of the entire public, yet it must be public in nature and for unascertained beneficiaries. [See also *Scudder v Security Trust Co*, 238 Mich 318; 213 NW 131 (1927) (discussing requirements for creation of charitable trust).]

Historically, to create a charitable trust, no specific words needed to be used, rather “[i]t [was] sufficient . . . to show[] an intention that the property should be held subject to a legal obligation to devote it to purposes which are charitable.” *Knights of Equity Memorial Scholarships Comm v University of Detroit*, 359 Mich 235, 242-243; 102 NW2d 463 (1960) (affirming that agreement between voluntary association and university created a charitable trust), quoting 4 Scott, Trusts (2d ed.) § 351, at 2574. See also *In re Rood’s Estate*, 41 Mich App at 413 (“A determination that a charitable trust is created needs only a finding that ‘some charitable purpose’ exists.”) and *In re Americana Foundation*, 145 Mich App at 738-739. The EPIC similarly does not require any particular words be used to create a trust, MCL 700.7401(1) and MCL 700.7402, and a trust may even be created through oral statements, MCL 700.7407.

In general, any legal entity, including a municipality, may serve as trustee of a charitable trust. Restatement (Third) of Trusts, § 33; 15 Am Jur 2d, Charities § 83. The Supervision of Trustees for Charitable Purposes Act defines “[t]rustee” to “mean[] any individual, group of individuals, association, foundation, trustee corporation, or *other legal entity* holding property for any charitable purpose.” MCL 14.252(a) (emphasis added). See also *Hardman*, 240 Cal Rptr at 485-486 (Fine Arts Museums of San

Francisco is charitable trust administered by City of San Francisco as trustee). A city may thus act as trustee of a charitable trust established for the purpose of maintaining and operating an art museum.

A “trustee shall administer the trust in good faith, [] in accordance with its terms and purposes, for the benefit of the trust beneficiaries.” MCL 700.7801. See also MCL 700.7802. With a trust, whether charitable or otherwise, the trustee holds the legal interest – or legal title – in the assets, but the beneficiary holds the equitable interest. *Apollinari v Johnson*, 104 Mich App 673, 675, 305 NW2d 565 (1981) (“The separation of legal and equitable title is one of the distinctive features of the trust relationship. Legal title vests in the trustee to be held for the benefit of the beneficiary.”). See also *In re Americana Foundation*, 145 Mich App at 740 (Trustee foundation “held the legal estate whereas the public received the benefit and enjoyment.”); Restatement (Third) of Trusts, § 2, comment d, see also *id.*, § 42. Thus, while a trustee has legal title to the trust assets, a trustee may not dispose of trust assets as the trustee wishes; instead, a trustee is limited to using the assets for the designated purposes of the trust. MCL 700.7801. See also *In re Friends for Long Island’s Heritage*, 911 NYS2d 412 (NY App Div 2010) (nonprofit corporation could not sell assets donated for purpose of public exhibition and display to pay off corporate debts upon dissolution.).

B. The art collection is held in charitable trust for the people of Michigan and cannot be sold for purposes other than the acquisition of art.

With its incorporation in 1885, the museum was created as a nonprofit corporation with a specific charitable purpose: “the public exhibition of its collection of works of art.” 1885 PA 3, Section 4, CL 1915, § 10762. The museum’s 1885 Articles of Incorporation reflect this purpose. The museum was authorized to acquire art for that specific purpose, 1885 PA 3, Section 3, CL 1915, § 10761, and was required to “faithfully use[]” “[a]ll gifts, devises, or bequests made to” the museum for that

purpose. *Id.*, Section 15, CL 1915, § 10773. The museum could not change its “character and purposes” or sell “its general art collection” unless authorized by the Legislature. *Id.*, Section 16, CL 1915, § 10774.

Thus, as a legal entity holding assets for a charitable purpose, the museum was founded as a charitable trust. The museum’s charitable purpose was the exhibition of art for the public; the art collection thereafter acquired by the museum became the res or assets of the trust. And as a charitable trustee, the Founders Society was limited to using its assets – the art collection – for its dedicated charitable purpose.

Moreover, the Legislature’s intent was plain: once an art institution like the museum incorporated and began collecting art and dutifully exhibiting its collection for the public, it was to do so in perpetuity if possible. Hence, the Legislature created restrictions on a change to the character or purpose of the art institution, and the disposition of its general collection; and it required that any winding up be provided for by law so as to “best promote and perpetuate” “the purposes” of the institution. 1885 PA 3, Section 10774, CL 1915, § 10774.

In 1919, in the wake of the Michigan Supreme Court’s ruling in *Detroit Museum of Art v Engel*, the Legislature determined that the best method to “promote and perpetuate” “the purposes” of the museum was to authorize the conveyance of all property to a “city empowered to maintain a public art institute.” 1919 PA 67, Section 20. This conveyance would allow the City directly to support the museum consistent with the Supreme Court’s ruling. The law also required the City to “faithfully[] use[]” the art conveyed “for the purposes for which” the institution was organized, which was to operate a “public art institute” and exhibit art to the “general public.” No provision was included for a city to change or modify the purpose, sell the art conveyed, or wind up or dissolve its public art institute.

Pursuant to these express statutory authorizations, the Founders Society transferred its art collection to the City in 1919. When the City accepted the transfer, it was bound by the language of 1919 PA 67 to perpetuate and “maintain a public art institute” that would exhibit art to the general public, and to “faithfully[] use[]” the art conveyed for that purpose. Under charitable trust law, this transfer was a transfer of the Founders Society’s legal interest or legal title in its charitable assets to a new charitable trustee – the City. Under those circumstances, the equitable interest in the art collection remained with the people of Michigan, the ultimate beneficiaries of the museum’s or Founders Society’s charitable purpose. Appollinari, 104 Mich App at 675. See also *Hardman*, 240 Cal Rptr at 486 (“[A]lthough the Fine Arts Museums [] is administered by City officials [as trustee], the trust assets do not constitute public assets but rather the res of a charitable trust.”).¹

In accepting the trust, consistent with the statute, the City agreed at its own cost and expense to maintain and operate the trust, which by City Charter included the mandate that the City “[s]hall acquire, collect, own and exhibit, in the name of the city, works of art, books and other objects such as are usually incorporated in Museums of Art.” 1918 City Charter, Chapter XIX, Section 7(c).¹ Over the years, the museum’s art collection grew through charitable donations of art and direct purchases by the City. As new pieces were added to the collection, the entire collection continued to be dedicated towards the museum’s initial charitable purpose: the public display of its art collection. See MCL 700.1107(n) (term “trust” “includes . . . an express trust, private or charitable, *with additions to the trust, wherever and however created.*”) (Emphasis added). Thus, the entire collection – to this day –

¹ While the entire art collection is held in charitable trust, the plain language of 1919 PA 67 further protects any piece of art acquired from 1885 through the 1919 transfer from sale for a non-museum related purpose because the City of Detroit can only “use[]” that art “for the purposes for which” the museum was organized, which was to operate a “public art institute” and display art to the “general public.” 1919 PA 67, Section 20; 1885 PA 3, Sections 1, 3, and 4, CL 1915, §§ 10759, 10761, and 10762. This language precludes a sale of artwork obtained through this transfer for the purpose of satisfying City debts unrelated to the art collection or the museum. And other Michigan laws add protection to those works of art that were gifts from charitable donors. See, e.g., MCL 554.352 (gifts for charitable purposes create a charitable trust that “shall be liberally construed by the court so that the intentions of the creator thereof shall be carried out whenever possible.”).

continues to be held in charitable trust for this same charitable purpose, including the pieces acquired by the City with City money that were purchased and added to the museum collection.²

This conclusion is consistent with Michigan trust law, and restrictions found in the Nonprofit Corporation Act, the statute under which charitable, nonprofit corporations incorporate today. See MCL 450.2301(5) (“This act shall not be deemed to permit assets held by a corporation for charitable purposes to be used, conveyed or distributed for noncharitable purposes.”) Moreover, the museum’s current operations and policies under the 1997 Operating Agreement, the museum’s Collections Management policies, the ethical policies of the various museum associations, and the Founders Society’s and the City’s accounting practices, confirm this result. Rather, these documents, discussed above, expressly state that the entire collection is held in trust for the public and strictly limit the use of the art to its public exhibition, and any disposition of art or proceeds from the disposition of art can only be used to acquire additional art for the museum’s collection. Based on these facts and charitable trust law, the City, as charitable trustee, cannot sell art from the trust for the purpose of satisfying debts owed to its creditors.

Conclusion

It is my opinion, therefore, that the art collection of the Detroit Institute of Arts is held by the City of Detroit in charitable trust for the people of Michigan, and no piece in the collection may thus be

¹ Notably, while the 1918 City Charter empowered the Arts Commission, subject to the approval of the city council, to sell, convey, and lease any real property, *Id.*, Section 7(g), no express provision was made for the sale or disposal of the art work.

² A contrary conclusion that some of the art collection is held in charitable trust and other art is not – for instance, the art purchased by the City – is neither consistent with trust law nor reasonable. If this were the case, assets held in charitable trust would necessarily reside in the same collection as non-charitable assets, despite the fact that the *whole collection* exists for the singular charitable purpose of the public exhibition of art. See MCL 700.7811(2) (A trustee shall keep trust property separate from the trustee’s own property.”) Moreover, under that view, as substantial charitable contributions continued to be made over the years both directly to the collection and in support of the collection, the commingling of charitable assets

sold, conveyed, or transferred to satisfy City debts or obligations. In issuing this opinion, I recognize the serious financial hardships that face the City, the difficulties that the people who live and work in the City have endured for decades, and the many challenges facing the citizens of the City of Detroit and the State in the future. Yet, in the 128 years since the creation of the Detroit Institute of Arts, at no time have the people demanded that their most precious cultural resources be sold in order to satisfy financial obligations. To the contrary, the citizens of this State recognize that abandoning or selling the public's artwork would damage not only the City's but the State's cultural commonwealth. In Michigan, we not only appreciate our cultural treasures, we guard them zealously in charitable trust for all state residents, present and future.

A handwritten signature in black ink, reading "Bill Schuette". The signature is written in a cursive, flowing style with a long horizontal stroke extending from the end.

BILL SCHUETTE
Attorney General

with non-charitable assets could be viewed as a breach of charitable trust. See MCL 700.7901. That untenable result further supports the conclusion that the entire collection existed – and continues to exist – in charitable trust.

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

MCL 24.256(1) states in part:

“Sec. 56. (1) The Office of Regulatory Reform shall perform the editorial work for the Michigan register and the Michigan Administrative Code and its annual supplement. The classification, arrangement, numbering, and indexing of rules shall be under the ownership and control of the Office of Regulatory Reform, shall be uniform, and shall conform as nearly as practicable to the classification, arrangement, numbering, and indexing of the compiled laws. The Office of Regulatory Reform may correct in the publications obvious errors in rules when requested by the promulgating agency to do so...”

**CORRECTION OF OBVIOUS
ERRORS IN PUBLICATION**

June 12, 2013

Ms. Deidre O'Berry
Office of Regulatory Reinvention
George W. Romney Building – 4th Floor
111 S. Capitol Avenue
Lansing, MI 48933

Dear Ms. O'Berry:

RE: 2013-026 Placement of ORV License, Administrative Rule R257.1691

The rule above was recently amended under Section 44(1) to change the reference to the sticker to be placed on an ORV from “decal” to “license.” Review of the final rules show that amendment was inadvertently also not made to the rule title from “Placement of ORV Decal” to “Placement of ORV License.”

The Department of Natural Resources requests, pursuant to the Administrative Procedures Act, Section 44(1), MCL 24.244, technical correction be made to the title of the rule in the Michigan Administrative Code as follows:

Department of Natural Resources
Law Enforcement Division
Placement of ORV License

If you have any questions, please contact me at 241-2328.

Sincerely,

LuAnn M. Klont, Office of Legal Service
Michigan Department of Natural Resources

**EXECUTIVE ORDERS
AND
EXECUTIVE REORGANIZATION ORDERS**

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

(a) Executive orders and executive reorganization orders.”

EXECUTIVE ORDERS

EXECUTIVE ORDER

No. 2013 - 9

**DEPARTMENT OF CIVIL RIGHTS
MICHIGAN COUNCIL ON ARAB AND CHALDEAN AMERICAN AFFAIRS**

**RESCISSION OF
EXECUTIVE ORDER 2004-33**

WHEREAS, Section 1 of Article V of the Michigan Constitution of 1963 vests the executive power in the Governor; and

WHEREAS, Michigan wishes to attract and retain top talent, and a key strategy for doing so is ensuring welcoming communities for the highly educated, business investors, and entrepreneurs from all over the world;

WHEREAS, Michigan's Arab American and Chaldean American communities contribute significantly to Michigan's economy and culture; and

WHEREAS, Michigan must engage leaders from all backgrounds and walks of life to participate actively and effectively in the reinvention of Michigan; and

WHEREAS, on September 15, 2004, Executive Order 2004-33 was issued, establishing the Advisory Council on Arab and Chaldean American Affairs; and

WHEREAS, a new structure will allow the council to more effectively serve the interests of Michigan and its Arab-American and Chaldean-American communities;

NOW, THEREFORE, I, Richard D. Snyder, Governor of the state of Michigan, by virtue of the powers and authority vested in the Governor by the Michigan Constitution of 1963 and Michigan law, order the following:

I. CREATION OF THE MICHIGAN COUNCIL ON ARAB AND CHALDEAN AMERICAN AFFAIRS

A. The Michigan Council on Arab and Chaldean American Affairs ("the Council") is created as an advisory body to the Governor and the Director of the Department of Civil Rights.

B. All of the authority, powers, duties, functions, responsibilities, records, personnel, property, and unexpended balances of appropriations of the Advisory Council on Arab and Chaldean American Affairs are transferred to the Michigan Council on Arab and Chaldean American Affairs created by this Order.

C. The Council shall be composed of ten (10) members appointed by and serving at the pleasure of the Governor. Of the members initially appointed after the effective date of this order, four (4) members shall be appointed for term of two (2) years, three (3) members shall be appointed for a term of three (3) years, and three (3) members shall be appointed for a term of four (4) years. After the initial appointments, members of the Council shall be appointed to a term of four (4) years.

D. A vacancy on the Council occurring other than by expiration of a term shall be filled in the same manner as the original appointment for the balance of the unexpired term.

E. The Director of the Department of Civil Rights and the President and Chief Executive Officer of the Michigan Economic Development Corporation, or their designees, shall serve as ex officio, non-voting members of the Council.

F. The Governor shall designate no more than two members of the Council to chair or co-chair the Council.

II. RESCISSION OF EXECUTIVE ORDER 2004-33

Executive Order 2004-33 is rescinded and the Advisory Council on Arab and Chaldean American Affairs is abolished.

III. CHARGE TO THE COUNCIL

The Council shall advise the Governor and the Director of the Department of Civil Rights regarding the full range of issues facing the communities, and opportunities related to the Arab and Chaldean American communities in Michigan. The Council shall promote public awareness of the cultures and recognize the history and contributions of the Arab and Chaldean American communities of Michigan. The Council shall also provide information and advice as requested by the Governor or the Director of the Department of Civil Rights in regard to Arab and Chaldean American affairs.

IV. OPERATIONS OF THE COUNCIL

A. All budgeting, procurement, and related management functions of the Council shall be performed under the direction and supervision of the Director of the Department of Civil Rights.

B. Members of the Council shall serve without compensation but may receive reimbursement for necessary travel and expenses according to relevant statutes and rules and procedures of the Department of Civil Rights, subject to available appropriations.

C. Members of the Council shall refer all legal, legislative, and media contacts to the Department of Civil Rights.

V. MISCELLANEOUS

A. Any suit, action, or other proceeding lawfully commenced by or against the Advisory Council prior to the effective date of this Order shall not abate by reason of the taking effect of this Order. Any lawfully commenced suit, action, or other proceeding may be maintained by, against, or before the appropriate successor of any entity affected by this Order.

B. The invalidity of any portion of this Order shall not affect the validity of the remainder of the Order, which may be given effect without any invalid portion. Any portion of this Order found invalid by a court or other entity with proper jurisdiction shall be severable from the remaining portions of this Order.

This Order shall be effective 60 days after filing of this Order.

Given under my hand and the Great Seal of
the state of Michigan this _____ day of
_____, in the Year of our Lord Two
Thousand Thirteen

RICHARD D. SNYDER
GOVERNOR

BY THE GOVERNOR:

SECRETARY OF STATE

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 SESSION)

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(i) Other official information considered necessary or appropriate by the Office of Regulatory Reform.”

The following table cites administrative rules promulgated during the year 2000, and indicates the effect of these rules on the Michigan Administrative Code (1979 ed.).

MICHIGAN ADMINISTRATIVE CODE TABLE
(2013 RULE FILINGS)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
29.2901	A	5	123.61	*	10	205.8	*	8
29.2902	A	5	123.62	*	10	205.15	*	8
29.2903	A	5	123.63	*	10	205.16	*	8
29.2904	A	5	123.64	*	10	205.20	*	8
29.2905	A	5	123.65	*	10	205.22	*	8
29.2906	A	5	123.20	A	10	205.26	*	8
29.2907	A	5	123.30	A	10	205.28	*	8
29.2908	A	5	123.31	A	10	205.136	*	8
29.2909	A	5	123.32	A	10	205.1101	R	6
29.2910	A	5	123.33	A	10	205.1111	R	6
29.2911	A	5	123.34	A	10	205.1115	R	6
29.2912	A	5	123.35	A	10	205.1120	R	6
29.2913	A	5	123.36	A	10	205.1125	R	6
29.2914	A	5	123.37	A	10	205.1130	R	6
29.2915	A	5	123.38	A	10	205.1135	R	6
29.2916	A	5	123.40	A	10	205.1140	R	6
29.2917	A	5	123.56	A	10	205.1145	R	6
29.2918	A	5	123.6	R	10	205.1150	R	6
29.2919	A	5	123.25	R	10	205.1155	R	6
29.2920	A	5	123.26	R	10	205.1201	R	6
29.2921	A	5	123.27	R	10	205.1202	R	6
29.2922	A	5	123.41	R	10	205.1205	R	6
29.2923	A	5	123.42	R	10	205.1208	R	6
29.2924	A	5	123.45	R	10	205.1210	R	6
29.2925	A	5	123.46	R	10	205.1215	R	6
29.2926	A	5	123.47	R	10	205.1220	R	6
123.1	*	10	123.66	R	10	205.1222	R	6
123.4	*	10	123.67	R	10	205.1225	R	6
123.21	*	10	123.68	R	10	205.1228	R	6
123.22	*	10	123.69	R	10	205.1230	R	6
123.23	*	10	123.71	R	10	205.1235	R	6
123.24	*	10	123.72	R	10	205.1240	R	6
123.43	*	10	123.73	R	10	205.1245	R	6
123.44	*	10	123.74	R	10	205.1247	R	6
123.51	*	10	123.75	R	10	205.1249	R	6
123.52	*	10	205.5	R	8	205.1250	R	6
123.53	*	10	205.9	R	8	205.1252	R	6
123.54	*	10	205.23	R	8	205.1255	R	6
123.55	*	10	205.1	*	8	205.1257	R	6

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
205.1260	R	6	299.3301	R	2	299.5732	R	2
205.1264	R	6	299.3302	R	2	299.5742	R	2
205.1270	R	6	299.3303	R	2	299.5901	R	2
205.1275	R	6	299.3304	R	2	299.5903	R	2
205.1278	R	6	299.3305	R	2	299.5905	R	2
205.1280	R	6	299.3306	R	2	299.5907	R	2
205.1281	R	6	299.3307	R	2	299.5909	R	2
205.1283	R	6	299.3308	R	2	299.5911	R	2
205.1285	R	6	299.3309	R	2	299.5913	R	2
205.1288	R	6	299.3310	R	2	299.5915	R	2
205.1290	R	6	299.3311	R	2	299.5917	R	2
205.1301	R	6	299.3312	R	2	299.5919	R	2
205.1303	R	6	299.3313	R	2	324.1501	R	2
205.1305	R	6	299.3314	R	2	324.1502	R	2
205.1307	R	6	299.3315	R	2	324.1503	R	2
205.1312	R	6	299.3316	R	2	324.1504	R	2
205.1313	R	6	299.3317	R	2	324.1505	R	2
205.1315	R	6	299.3318	R	2	324.1506	R	2
205.1317	R	6	299.3319	R	2	324.1507	R	2
205.1320	R	6	299.5105	R	2	324.1508	R	2
205.1330	R	6	299.5107	R	2	324.1509	R	2
205.1332	R	6	299.5109	R	2	324.1509a	R	2
205.1333	R	6	299.5111	R	2	324.1510	R	2
205.1335	R	6	299.5113	R	2	324.1511	R	2
205.1340	R	6	299.5117	R	2	325.5601	*	8
205.1342	R	6	299.5401	R	2	325.5602	*	8
205.1345	R	6	299.5403	R	2	325.5603	*	8
205.1348	R	6	299.5405	R	2	325.5605	*	8
209.1	*	5	299.5407	R	2	325.5607	*	8
209.31	*	5	299.5409	R	2	325.5608	*	8
257.1604	A	11	299.5411	R	2	325.5610	*	8
257.16910	*	11	299.5413	R	2	325.5611	*	8
281.663.1	R	11	299.5415	R	2	325.5612	*	8
281.1201	*	11	299.5530	R	2	325.5613	*	8
281.1204	*	11	299.5532	R	2	325.5637	*	8
281.1206	*	11	299.5534	R	2	325.5655	*	8
281.1208	*	11	299.5536	R	2	325.5656	*	8
285.138.1	R	5	299.5538	R	2	325.5601a	A	8
285.502.1	R	10	299.5540	R	2	325.5626	A	8

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.5627	A	8	325.5622	R	8	325.50310	R	7
325.5628	A	8	325.5623	R	8	325.50311	R	7
325.5629	A	8	325.5624	R	8	325.50312	R	7
325.5630	A	8	325.5625	R	8	325.50313	R	7
325.5634	A	8	325.5631	R	8	325.50314	R	7
325.5635	A	8	325.5632	R	8	325.50315	R	7
325.5357	A	8	325.5633	R	8	325.50316	R	7
325.5658	A	8	325.5638	R	8	325.50317	R	7
325.5667	A	8	325.5639	R	8	325.50318	R	7
325.5668	A	8	325.5640	R	8	325.50319	R	7
325.5674	A	8	325.5641	R	8	325.50320	R	7
325.5675	A	8	325.5642	R	8	325.50321	R	7
325.5676	A	8	325.5643	R	8	325.50322	R	7
325.5677	A	8	325.5644	R	8	325.50323	R	7
325.5678	A	8	325.5645	R	8	325.50324	R	7
325.5679	A	8	325.5646	R	8	325.50325	R	7
325.5680	A	8	325.5647	R	8	325.50326	R	7
325.5681	A	8	325.5648	R	8	325.50327	R	7
325.5682	A	8	325.5649	R	8	325.50328	R	7
325.5683	A	8	325.5650	R	8	325.50329	R	7
325.5684	A	8	325.5651	R	8	325.50330	R	7
325.5685	A	8	325.5652	R	8	325.50331	R	7
325.5686	A	8	325.5659	R	8	325.50332	R	7
325.5687	A	8	325.5660	R	8	325.50333	R	7
325.5688	A	8	325.5661	R	8	325.50334	R	7
325.5689	A	8	325.5662	R	8	325.50335	R	7
325.5690	A	8	325.5663	R	8	325.50336	R	7
325.5691	A	8	325.5664	R	8	325.50337	R	7
325.5692	A	8	325.5665	R	8	325.50338	R	7
325.5693	A	8	325.47801	R	11	325.50339	R	7
325.5694	A	8	325.50301	*	7	325.50340	R	7
325.5695	A	8	325.50303	*	7	325.50341	R	7
325.5696	A	8	325.50304	*	7	325.50342	R	7
325.5697	A	8	325.50302	R	7	325.50343	R	7
325.5698	A	8	325.50305	R	7	325.50344	R	7
325.5617	R	8	325.50306	R	7	325.50345	R	7
325.5618	R	8	325.50307	R	7	325.50346	R	7
325.5619	R	8	325.50308	R	7	325.50347	R	7
325.5621	R	8	325.50309	R	7	325.50348	R	7

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
325.51101	*	6	325.60159	*	6	338.3263	R	5
325.51105	*	6	325.60160	*	6	338.3264	R	5
325.51108	*	6	325.60161	*	6	338.3265	R	5
325.51101a	A	6	325.60151a	A	6	338.3266	R	5
325.51190	*	7	336.1310	*	6	338.3267	R	5
325.51143	R	7	336.1330	R	6	338.3268	R	5
325.51301	*	11	338.7	*	6	338.3269	R	5
325.51302	*	11	338.108	R	6	338.3270	R	5
325.51311	*	11	338.3201	R	5	338.3281	R	5
325.51312	*	11	338.3202	R	5	338.3282	R	5
325.51851	*	10	338.3204	R	5	338.3283	R	5
325.51852	*	10	338.3206	R	5	338.3284	R	5
325.51854	*	10	338.3208	R	5	338.3291	R	5
325.51856	*	10	338.3218	R	5	338.3292	R	5
325.51859	*	10	338.3219	R	5	338.3295	R	5
325.51860	*	10	338.3220	R	5	338.3301	R	5
325.51862	*	10	338.3221	R	5	338.3302	R	5
325.51863	*	10	338.3231	R	5	338.3303	R	5
325.51865	*	10	338.3232	R	5	338.3304	R	5
325.51866	*	10	338.3233	R	5	338.3307	R	5
325.51867	*	10	338.3234	R	5	338.3311	R	5
325.51868	*	10	338.3235	R	5	338.3312	R	5
325.51869	*	10	338.3236	R	5	338.3313	R	5
325.51873	*	10	338.3238	R	5	338.3314	R	5
325.51874	*	10	338.3239	R	5	338.3317	R	5
325.51879	*	10	338.3241	R	5	338.3321	R	5
325.51880	*	10	338.3242	R	5	338.3324	R	5
325.51881	*	10	338.3243	R	5	338.3327	R	5
325.51883	*	10	338.3251	R	5	338.3331	R	5
325.51851a	A	10	338.3252	R	5	338.3332	R	5
325.51878a	A	10	338.3253	R	5	338.3335	R	5
325.51885	R	10	338.3254	R	5	338.3341	R	5
325.51886	R	10	338.3255	A	5	338.3345	R	5
325.60151	*	6	338.3256	A	5	338.3451	R	5
325.60154	*	6	338.3257	R	5	338.3455	R	5
325.60155	*	6	338.3258	R	5	338.3456	R	5
325.60156	*	6	338.3259	R	5	338.3461	R	5
325.60157	*	6	338.3261	R	5	338.3463	R	5
325.60158	*	6	338.3262	R	5	338.3464	R	5

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
338.3465	R	5	408.10582	*	1	408.12216	*	7
338.3466	R	5	408.10590	*	1	408.12217	*	7
338.23030	R	6	408.10761	R	1	408.12218	*	7
339.22501	R	5	408.10763	R	1	408.12220	*	7
339.22503	R	5	408.10765	*	1	408.12242	*	7
339.22505	R	5	408.10801	*	1	408.12202	A	7
339.22507	R	5	408.10807	*	1	408.12231	R	7
339.22509	R	5	408.10823	*	1	408.13811	*	7
339.22511	R	5	408.10914	*	1	408.13812	*	7
339.22513	R	5	408.10925	*	1	408.13822	*	7
339.22515	R	5	408.10999	*	1	408.13847	*	7
339.22517	R	5	408.11119	R	10	408.13865	*	7
339.22519	R	5	408.11121	R	10	408.13871	*	7
339.22521	R	5	408.11203	*	11	408.13881	*	7
339.22523	R	5	408.11211	*	11	408.13802	A	7
339.22525	R	5	408.11213	*	11	408.14246	*	6
339.22527	R	5	408.11221	*	11	408.14263	*	6
339.22529	R	5	408.11222	*	11	408.14267	*	6
339.23101	*	5	408.11224	*	11	408.14269	*	6
339.23102	*	5	408.11241	*	11	408.14273	*	6
340.1121	*	6	408.11243	*	11	408.14231	R	6
340.1122	*	6	408.11262	*	11	408.14451	*	8
340.1123	R	6	408.11275	*	11	408.14476	*	8
340.1124	R	6	408.11293	*	11	408.14507	*	10
390.67100	R	9	408.11294	*	11	408.14521	*	10
400.400	R	6	408.11202	A	11	408.14555	*	10
400.410	R	6	408.11432	*	6	408.14535	R	10
400.411	R	6	408.11431	R	6	408.15712	*	8
408.43b	*	9	408.11434	R	6	408.15713	*	8
408.43i	*	9	408.11724	*	6	408.15717	*	8
408.48	*	5	408.11725	*	6	408.15721	*	8
408.59	*	5	408.11807	*	10	408.15723	*	8
408.10413	R	1	408.11844	*	10	408.15725	*	8
408.10421	*	1	408.11851	*	10	408.15726	*	8
408.10509	*	1	408.11859	*	10	408.15739	*	8
408.10541	*	1	408.12111	*	10	408.15802	*	8
408.10570	*	1	408.12151	*	10	408.15810	*	8
408.10579	*	1	408.12155	*	10	408.15815	*	8
408.10580	*	1	408.12163	*	10	408.15821	*	8

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.15831	*	8	408.17436	*	8	408.30835	*	10
408.15833	*	8	408.17437	*	8	408.30838	*	10
408.16211	*	10	408.17451	*	8	408.30865	*	10
408.16222	*	10	408.17461	*	8	408.30869	*	10
408.16227	*	10	408.17463	*	8	408.30870	*	10
408.16236	*	10	408.17421	*	11	408.30871	*	10
408.16217	R	10	408.17461	*	11	408.30873	*	10
408.16511	*	6	408.30001	*	6	408.30872	R	10
408.16528	*	6	408.30002	A	6	408.30880	R	10
408.17125	R	6	408.30007	*	6	408.30901a	*	10
408.17211	*	10	408.30013	*	6	408.30906a	*	10
408.17212	*	10	408.30016	*	6	408.30910a	*	10
408.17213	*	10	408.30019	*	6	408.30912a	*	10
408.17222	*	10	408.30022	*	6	408.30915a	*	10
408.17225	*	10	408.30025	*	6	408.30918a	*	10
408.17236	*	10	408.30028	*	6	408.30923a	*	10
408.17251	*	10	408.30031	*	6	408.30927a	*	10
408.17227	R	10	408.30034	*	6	408.30928a	*	10
408.17303	*	8	408.30037	*	6	408.30935a	*	10
408.17310	*	8	408.30040	*	6	408.30945a	*	10
408.17315	*	8	408.30043	*	6	408.30946	*	10
408.17318	*	8	408.30046	*	6	408.30947	*	10
408.17320	*	8	408.30049	*	6	408.30948	*	10
408.17403	*	8	408.30052	*	6	408.30995a	*	10
408.17404	*	8	408.30055	*	6	408.30947a	A	10
408.17405	*	8	408.30801	*	10	408.30948a	A	10
408.17411	*	8	408.30806	*	10	408.30996	A	10
408.17412	*	8	408.30808	*	10	408.40102	*	6
408.17415	*	8	408.30810	*	10	408.40114	*	6
408.17421	*	8	408.30811	*	10	408.40116	*	6
408.17422	*	8	408.30812	*	10	408.40119	*	6
408.17423	*	8	408.30815	*	10	408.40121	*	6
408.17424	*	8	408.30817	*	10	408.40122	*	6
408.17426	*	8	408.30818	*	10	408.40127	*	6
408.17431	*	8	408.30819	*	10	408.40128	*	6
408.17432	*	8	408.30822	*	10	408.40130	*	6
408.17433	*	8	408.30823	*	10	408.40131	*	6
408.17434	*	8	408.30826	*	10	408.40132	*	6
408.17435	*	8	408.30827	*	10	408.40133	*	6

(* Amendment to Rule, A Added Rule, N New Rule, R Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.40134	*	6	408.40836	*	7	408.41237	*	7
408.40133	R	6	408.40837	*	7	408.41243	*	7
408.40125	R	6	408.40840	*	7	408.41245	*	7
408.40126	R	6	408.40841	*	7	408.41253	*	7
408.40617	*	6	408.40932	*	6	408.41254	*	7
408.40621	*	6	408.40933	*	6	408.41255	*	7
408.40622	*	6	408.40941	*	6	408.41256	*	7
408.40623	*	6	408.40851	*	6	408.41261	*	7
408.40624	*	6	408.40946	R	6	408.41264	*	7
408.40625	*	6	408.40952	R	6	408.41228	R	7
408.40626	*	6	408.41111	*	7	408.41244	R	7
408.40631	*	6	408.41122	*	7	408.41246	R	7
408.40634	*	6	408.41123	*	7	408.41262	R	7
408.40635	*	6	408.41124	*	7	408.41263	R	7
408.40627	R	6	408.41126	*	7	408.41410	*	8
408.40632	R	6	408.41132	*	7	408.41462	*	8
408.40641	R	6	408.41133	*	7	408.41464	*	8
408.40709	*	6	408.41140	*	7	408.41465	*	8
408.40711	*	6	408.41102	R	7	408.41466	*	8
408.40712	*	6	408.41115	R	7	408.41467	*	8
408.40721	*	6	408.41125	R	7	408.41472	*	8
408.40722	*	6	408.41130	R	7	408.41475	*	8
408.40743	*	6	408.41131	R	7	408.41476	*	8
408.40744	*	6	408.41210	*	7	408.41477	*	8
408.40746	*	6	408.41211	*	7	408.41478	*	8
408.40751	*	6	408.41215	*	7	408.41482	*	8
408.40761	*	6	408.41217	*	7	408.41075a	A	8
408.40714	R	6	408.41221	*	7	408.41077a	A	8
408.40729	R	6	408.41222	*	7	408.41468	R	8
408.40742	R	6	408.41224	*	7	408.41610	*	1
408.40810	*	7	408.41225	*	7	408.41627	*	1
408.40818	*	7	408.41226	*	7	408.41633	*	1
408.40819	*	7	408.41227	*	7	408.41658	*	1
408.40820	*	7	408.41231	*	7	408.41719	*	1
408.40821	*	7	408.41232	*	7	408.41725	*	1
408.40822	*	7	408.41233	*	7	408.41728	*	1
408.40831	*	7	408.41234	*	7	408.41802	*	7
408.40833	*	7	408.41235	*	7	408.41841	*	7
408.40834	*	7	408.41236	*	7	408.41852	*	7

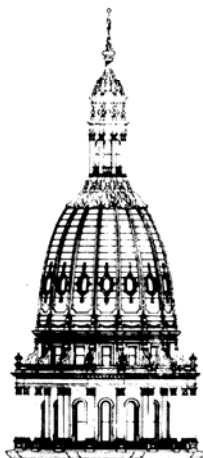
(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
408.41872	*	7	408.42160	R	1	408.43103	R	7
408.41884	*	7	408.42209	*	8	408.43104	R	7
408.41842	R	7	408.42213	*	8	408.43105	R	7
408.41850	R	7	408.42223	*	8	408.43106	R	7
408.41932	*	7	408.42225	*	8	408.43107	R	7
408.41934	*	7	408.42238	*	8	408.43109	R	7
408.41935	*	7	408.42402	*	1	408.43111	R	7
408.41943	*	7	408.42403	*	1	408.43112	R	7
408.41945	*	7	408.42404	*	1	408.43113	R	7
408.41949	*	7	408.42405	*	1	408.43114	R	7
408.41952	*	7	408.42406	*	1	408.43121	R	7
408.41953	*	7	408.42407	*	1	408.43122	R	7
408.41954	*	7	408.42502	*	1	408.43123	R	7
408.41957	*	7	408.42503	*	1	408.43124	R	7
408.41959	*	7	408.42518	*	1	408.43125	R	7
408.41964	*	7	408.42520	*	1	408.43126	R	7
408.41977	*	7	408.42521	*	1	408.43127	R	7
408.41980	*	7	408.42522	*	1	408.43131	R	7
408.41902	A	7	408.42524	*	1	408.43132	R	7
408.41931	R	7	408.42525	*	1	408.43133	R	7
408.41956	R	7	408.42526	*	1	408.43134	R	7
408.41970	R	7	408.42527	*	1	408.43141	R	7
408.41971	R	7	408.42528	*	1	408.43142	R	7
408.41974	R	7	408.42531	*	1	408.43145	R	7
408.41975	R	7	408.42532	*	1	408.43146	R	7
408.41979	R	7	408.42533	*	1	408.43151	R	7
408.42031	*	6	408.42534	R	1	408.43152	R	7
408.42034	*	6	408.42535	R	1	408.43153	R	7
408.42041	*	6	408.42602	*	1	408.43154	R	7
408.42043	*	6	408.42644	*	1	408.43155	R	7
408.42045	*	6	408.42732	*	7	408.43156	R	7
408.42046	*	6	408.42733	*	7	408.43157	R	7
408.42047	*	6	408.42741	*	7	408.43158	R	7
408.42131	R	1	408.42743	*	7	408.43161	R	7
408.42145	R	1	408.42755	*	7	408.43162	R	7
408.42149	*	1	408.42759	*	7	408.43204a	*	8
408.42156	*	1	408.42799	*	7	408.43207	*	8
408.42157	*	1	408.42756	R	7	408.43212	*	8
408.42159	*	1	408.43101	R	7	432.2	*	10

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)

R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue	R Number	Action	2013 MR Issue
432.6	*	10	491.195	R	3	792.10237	A	6
436.1335	R	5	491.197	R	3	792.10239	A	6
484.71	*	6	550.402	A	6	792.10241	A	6
484.72	*	6	550.403	A	6	792.10243	A	6
484.73	*	6	550.404	A	6	792.10245	A	6
484.74	*	6	554.701	*	9	792.10247	A	6
484.75	*	6	554.723	*	9	792.10249	A	6
484.81	*	8	554.731	*	9	792.10251	A	6
484.82	*	8	554.733	*	9	792.10253	A	6
484.83	*	8	554.734	*	9	792.10255	A	6
484.84	*	8	554.736	*	9	792.10257	A	6
484.85	*	8	554.737	*	9	792.10259	A	6
484.86	*	8	554.741	*	9	792.10261	A	6
484.87	*	8	554.742	*	9	792.10263	A	6
484.88	*	8	554.743	*	9	792.10265	A	6
484.89	*	8	554.744	*	9	792.10267	A	6
484.90	*	8	554.746	*	9	792.10269	A	6
490.113	R	11	554.721	R	9	792.10271	A	6
490.114	R	11	554.722	R	9	792.10273	A	6
490.117	R	11	554.747	R	9	792.10275	A	6
490.118	R	11	554.750	A	9	792.10277	A	6
491.101	R	3	554.751	A	9	792.10279	A	6
491.110	R	3	792.10201	A	6	792.10281	A	6
491.115	R	3	792.10203	A	6	792.10283	A	6
491.120	R	3	792.10205	A	6	792.10285	A	6
491.125	R	3	792.10207	A	6	792.10287	A	6
491.130	R	3	792.10209	A	6	792.10289	A	6
491.135	R	3	792.10211	A	6			
491.140	R	3	792.10213	A	6			
491.145	R	3	792.10215	A	6			
491.150	R	3	792.10217	A	6			
491.155	R	3	792.10219	A	6			
491.160	R	3	792.10221	A	6			
491.165	R	3	792.10223	A	6			
491.170	R	3	792.10225	A	6			
491.175	R	3	792.10227	A	6			
491.180	R	3	792.10229	A	6			
491.185	R	3	792.10231	A	6			
491.190	R	3	792.10233	A	6			

(* Amendment to Rule, **A** Added Rule, **N** New Rule, **R** Rescinded Rule)



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**ADMINISTRATIVE RULES
ENROLLED SENATE AND HOUSE BILLS
SIGNED INTO LAW OR VETOED
(2012 SESSION)**

Mich. Const. Art. IV, §33 provides: “Every bill passed by the legislature shall be presented to the governor before it becomes law, and the governor shall have 14 days measured in hours and minutes from the time of presentation in which to consider it. If he approves, he shall within that time sign and file it with the secretary of state and it shall become law . . . If he does not approve, and the legislature has within that time finally adjourned the session at which the bill was passed, it shall not become law. If he disapproves . . . he shall return it within such 14-day period with his objections, to the house in which it originated.”

Mich. Const. Art. IV, §27, further provides: “No act shall take effect until the expiration of 90 days from the end of the session at which it was passed, but the legislature may give immediate effect to acts by a two-thirds vote of the members elected to and serving in each house.”

MCL 24.208 states in part:

“Sec. 8. (1) The Office of Regulatory Reform shall publish the Michigan register at least once each month. The Michigan register shall contain all of the following:

* * *

(b) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills signed into law by the governor during the calendar year and the corresponding public act numbers.

(c) On a cumulative basis, the numbers and subject matter of the enrolled senate and house bills vetoed by the governor during the calendar year.”

2013 Michigan Public Acts Table

Legislative Service Bureau
Legal Division, Statutory Compiling and Law Publications Unit
124 W. Allegan, Lansing, MI 48909

June 18, 2013
Through PA 64 of 2013

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
1	4153		Yes	3/12	3/12	3/12/13	Sales tax ; collections; retroactive effective date for regulations on prepaid sales tax on gasoline; provide for. (Rep. M. Shirkey)
2		044	Yes	3/12	3/12	6/1/13	Criminal procedure ; sex offender registration; placement on the public registry; remove certain exceptions. (Sen. R. Jones)
3		060	Yes	3/12	3/12	3/12/13	Weapons ; licensing; definition of federally licensed firearms dealer; modify. (Sen. M. Green)
4		061	Yes	3/18	3/18	3/18/13 #	Insurance ; health care corporations; merger of health care corporation with a nonprofit mutual disability insurer; allow, and provide procedures, prescribe requirements on rating and certain contract provisions, and establish requirements for a health endowment fund corporation. (Sen. J. Hune)
5		062	Yes	3/18	3/18	3/18/13 #	Insurance ; health; regulations applicable to nonprofit mutual disability insurer; revise to accommodate merger with nonprofit health care corporation and prescribe requirements on rating and certain contract provisions. (Sen. V. Smith)
6		0234	Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; fund-raising plate for ducks unlimited; provide for. (Sen. R. Richardville)
7	4337		Yes	3/20	3/20	3/20/13 #	Vehicles ; fund-raising registration plates; distribution of proceeds from sales of ducks unlimited fund-raising plates; provide for. (Rep. D. Zorn)
8		048	Yes	3/26	3/26	3/26/13	Animals ; other; exemption from large carnivore act for certain businesses; expand to exempt businesses that allow patrons to come into contact with bears less than 36 weeks of age or bears that weigh 90 pounds or less and make other general revisions. (Sen. T. Casperson)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
9		0233	Yes	3/27	3/27	3/27/13	Appropriations; supplemental ; various state departments and agencies; provide appropriations. (<i>Sen. D. Booher</i>)
10		0252	Yes	3/27	3/27	3/27/13	Watercraft; marinas ; marina dredging loan origination program; establish. (<i>Sen. J. Brandenburg</i>)
11	4398		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from Great Lakes bottomlands determined to be largely sand; revise permit fee. (<i>Rep. A. Price</i>)
12	4399		Yes	3/27	3/27	3/27/13	Natural resources; Great Lakes ; expedited conditional permit process; allow for emergencies. (<i>Rep. A. Pscholka</i>)
13	4400		Yes	3/27	3/27	3/27/13	Watercraft; marinas ; dredging material from inland lakes and streams determined to be largely sand; revise fee. (<i>Rep. P. Pettalia</i>)
14		019	Yes	4/16	4/16	4/16/13	Financial institutions; mortgage brokers and lenders ; appointments to the mortgage industry advisory board; modify. (<i>Sen. D. Booher</i>)
15		065	Yes	4/16	4/16	4/16/13	Individual income tax; collections ; withholding requirement for certain members of a flow-through entity; clarify. (<i>Sen. J. Brandenburg</i>)
16	4052		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; motor vehicle sales finance act; expand to include certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
17	4053		Yes	4/23	4/23	4/23/13 #	Trade; vehicles ; application of retail installment sales act; exclude certain nonmotorized recreational vehicles. (<i>Rep. K. Kurtz</i>)
18	4045		Yes	4/23	4/23	4/23/13	Occupations; electricians ; eligible apprenticeship training programs; revise requirements for fire alarm specialty technicians. (<i>Rep. H. Crawford</i>)

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+ - Line item veto.

++ - Pocket veto.

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2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
19	4123		Yes	4/23	4/23	7/1/13	Torts; liability; personal injury or property damage caused by propane gas equipment or appliances; provide protection from liability. (Rep. R. Victory)
20		0108	Yes	5/7	5/7	5/7/13	Highways; name; portion of I-94 in Kalamazoo county; designate as the "Officer Eric Zapata Memorial Highway". (Sen. T. Schuitmaker)
21		0288	Yes	5/8	5/8	5/8/13	Natural resources; hunting; natural resources commission ability to designate species as game; provide for. (Sen. T. Casperson)
22		0289	Yes	5/8	5/8	5/8/13	Natural resources; hunting; right to hunt and fish; provide for. (Sen. T. Casperson)
23	4093		Yes	5/9	5/9	5/9/13 #	Crimes; intoxication or impairment; alcohol content for individuals operating a vehicle under the influence of alcoholic liquor; maintain at 0.08 without reversion to 0.10. (Rep. A. LaFontaine)
24	4131		Yes	5/9	5/9	5/9/13 #	Criminal procedure; sentencing guidelines; alcohol content for individuals operating a motor vehicle under the influence of alcoholic liquor in the code of criminal procedure; maintain at 0.08 without reversion to 0.10. (Rep. K. Kesto)
25		0218	Yes	5/9	5/10	8/9/13	Economic development; tax increment financing; sunset on water resource improvement tax increment finance authority; remove, and allow dredging. (Sen. G. Hansen)
26		0123	Yes	5/9	5/10	5/10/13	State financing and management; funds; funding for purchase of land and development of certain convention facilities; provide for. (Sen. D. Hildenbrand)
27	4037		No	5/14	5/14	5/1/14	Traffic control; driver license; designation of veteran status on driver license; provide for, and allow secretary of state to report certain veteran information to certain other departments and agencies. (Rep. N. Jenkins)
28		0219	No	5/14	5/14	5/1/14	State; identification cards; veteran designation on state identification cards; allow. (Sen. D. Booher)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
29	4471		Yes	5/16	5/16	5/16/13	Education; calendar ; exception to minimum days of pupil instruction requirement for inclement weather days; allow for 2012-2013 if minimum hours requirement is met. (Rep. P. Potvin)
30		0178	No	5/14	5/16	**	Insurance; health ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require insurers and prescribers to use after a specific date. (Sen. T. Schuitmaker)
31		0179	No	5/14	5/16	** #	Insurance; health care corporations ; standard prior authorization methodology for prescription drugs; create a workgroup to establish and require corporations and prescribers to use after a specific date. (Sen. T. Schuitmaker)
32	4054		Yes	5/14	5/16	5/16/13	Family law; other ; definition of eligible domestic relations order; modify. (Rep. K. Heise)
33		043	Yes	5/20	5/20	5/20/13	Courts; judges ; certain district court judgeships; increase, and reduce number of circuit court judgeships. (Sen. R. Jones)
34	4264		Yes	5/21	5/21	5/21/13	Criminal procedure; sentencing ; consecutive sentencing for financial exploitation of vulnerable adult; allow under certain circumstances. (Rep. T. Leonard)
35		097	Yes	5/21	5/21	8/20/13	Traffic control; civil infraction procedures ; waiver of fine for violating certain infant seat requirements; allow. (Sen. J. Proos)
36	4254		Yes	5/21	5/21	5/21/13	Vehicles; registration ; electric carriage; exempt from definition of motor vehicle and define "use a hand-held mobile telephone". (Rep. J. Walsh)
37		016	Yes	5/28	5/28	5/28/13	Natural resources; wildlife ; wildlife violator compact law; modify enforcement provisions. (Sen. H. Walker)
38	4050		Yes	6/4	6/4	6/4/13	Children; protection ; children's ombudsman to investigate victims of child abuse or neglect; expand criteria to include children who have died as a result of child abuse or neglect. (Rep. K. Kurtz)

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*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
39	4177		Yes	6/4	6/4	6/4/13	Crimes; homicide ; reference to vulnerable adult abuse in first degree murder statute; revise. (Rep. J. Ananich)
40	4705		Yes	6/4	6/4	6/4/13	Property tax; state education tax ; reimbursement of certain levied millage revenues; allow. (Rep. E. McBroom)
41	4042		Yes	6/5	6/5	6/5/13	Human services; food assistance ; criteria for the issuance of Michigan bridge cards; modify. (Rep. T. Kelly)
42		051	Yes	6/6	6/6	6/6/13	Property tax; classification ; qualified forest property tax program; modify. (Sen. D. Booher)
43		054	Yes	6/5	6/6	6/6/13	Property tax; classification ; allocation of qualified forest property recapture tax; modify. (Sen. T. Casperson)
44		055	Yes	6/5	6/6	6/6/13	Property tax; exemptions ; definition of qualified agricultural property; revise. (Sen. M. Green)
45		056	Yes	6/5	6/6	6/6/13	Natural resources; forests ; private forest management; provide oversight from the department of agriculture and rural development and provide for conservation district assistance to owners of forestland. (Sen. D. Booher)
46		057	Yes	6/5	6/6	6/6/13	Agriculture; other ; Michigan agriculture environmental assurance program; expand to include lands not utilized for traditional or production agriculture such as forest management. (Sen. A. Meekhof)
47		058	Yes	6/5	6/6	6/6/13	Natural resources; forests ; promotion of forestry and the development of the forest products industry in the state; provide for. (Sen. J. Moolenaar)
48	4069		Yes	6/5	6/6	6/6/13	Natural resources; forests ; classification of forestland as commercial forest; clarify requirements for inclusion and withdrawal of forestland. (Rep. F. Foster)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

2013 Michigan Public Acts Table

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
49	4243		Yes	6/5	6/6	6/6/13	Property tax; other; qualified forest property recapture tax; revise. (Rep. E. McBroom)
50	4244		Yes	6/5	6/6	6/6/13	Property tax; classification; qualified forest property; revise exemption. (Rep. B. Rendon)
51	4171		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; elimination of local boards of canvassers and amendment of process to balance precinct results; provide for, and clarify allocation of costs to conduct village elections. (Rep. B. Jacobsen)
52	4169		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in general law village act to board of village canvassers and board of township canvassers; revise to board of county canvassers. (Rep. D. Pagel)
53	4170		Yes	6/11	6/11	6/11/13 #	Elections; canvassing; reference in community college act of 1966 to board of city or township canvassers; eliminate. (Rep. K. Cotter)
54	4127		Yes	6/11	6/11	6/11/13	Criminal procedure; probation; GPS bail monitoring of certain offenders; allow. (Rep. J. Johnson)
55	4360		Yes	6/11	6/11	9/10/13	Liquor; licenses; penalties for certain unauthorized transactions for food assistance or family independence program benefits; provide for. (Rep. G. Haines)
56	4361		Yes	6/11	6/11	9/10/13	Gaming; lottery; lottery sales agent; provide for penalties for fraudulent activity related to food assistance benefits. (Rep. R. Victory)
57		0165	Yes	6/11	6/11	9/10/13	Health facilities; hospitals; policy regarding life-sustaining or nonbeneficial treatment; require policy be disclosed in writing upon request and provide to parent or guardian if it applies to a minor or ward. (Sen. J. Marleau)
58		0335	Yes	6/11	6/11	6/11/13	Insurance; health; health insurance claims assessment; extend the sunset. (Sen. R. Kahn)

* - I.E. means Legislature voted to give the Act immediate effect.

** - Act takes effect on the 91st day after sine die adjournment of the Legislature.

*** - See Act for applicable effective date.

+ - Line item veto.

++ - Pocket veto.

- Tie bar.

PA No.	ENROLLED		I.E.* Yes/No	Governor Approved	Filed Date	Effective Date	SUBJECT
	HB	SB					
59	4328		Yes	6/13	6/13	6/13/13 +	Appropriations; other; omnibus budget bill for fiscal year 2013-2014; provide for. (Rep. J. Haveman)
60	4228		Yes	6/13	6/13	6/13/13	Appropriations; school aid; fiscal year 2013-2014 omnibus appropriations for school aid, higher education, and community colleges; provide for. (Rep. B. Rogers)
61	4458		Yes	6/16	6/18	6/18/13	Economic development; tax increment financing; capture of increased tax revenue levied under certain tax millages; prohibit. (Rep. E. Kowall)
62	4461		Yes	6/16	6/18	6/18/13	Economic development; local development financing authority; capture of increased tax revenue levied under certain millages; prohibit. (Rep. H. Haugh)
63	4463		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. J. Walsh)
64	4464		Yes	6/16	6/18	6/18/13	Economic development; other; capture of increased tax revenue levied under certain millages; prohibit. (Rep. G. Haines)

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